



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP. (MD) .No.16442 of 2017

Malarkodi

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.

3. K. Govindaraj

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to give adequate police protection to the petitioner and his family members for their life and limb within time frame as fixed by this Court on the basis of the representation, dated 20.11.2017.

For Petitioner : Mr.D.Senthil
For R-1 & R-2 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to respondents 1 and 2 to give police protection to the petitioner and his family members for their life and limb within a time stipulated by this Court on the basis of the representation, dated 20.11.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. The petitioner states that her husband purchased a house property under a registered Sale Deed and the property is situated in Madhavan Nagar, Paramakudi. It is also the case of the petitioner that she is residing in the first floor of the building and that the



brother of her husband is residing in the ground floor of the building as a permissive occupant under the petitioner and her husband. It is stated that the brother of the petitioner's husband has filed a vexatious Injunction Suit against the petitioner and that the petitioner's husband has executed a Gift Deed in her favour. Alleging that her brother in law prevented the petitioner and her husband to enter into the house and attacked them, the petitioner stated that she gave a complaint to the second respondent and that it was not acted upon.

4. The petitioner further states that there is a threat to her enjoyment of the property by the brother of the petitioner's husband. Learned counsel for the petitioner relied upon an order passed by this court in Crl.O.P.(MD)No.13633 of 2017, dated 10.10.2017, wherein the third respondent herein as petitioner came forward with the prayer to direct the respondents not to interfere with the civil dispute which is pending before the District Munsif court, Paramakudi, in O.S.No.60 of 2016. Since that petition was dismissed with certain observations, the learned counsel for the petitioner has pointed out that the case of the third respondent has been accepted therein and that the petitioner is entitled to seek police protection for her life and limb in relation to the enjoyment of the property owned by her.

5. The question whether the petitioner is the owner of the property or not has not been resolved by any court. When the third respondent appeared before this Court on the basis of pendency of the Suit filed by him, this Court closed the petition with certain observations as granting of prayer by this Court is likely to be interpreted as though this Court has recognized the title, right and interest of the petitioner therein. Further, this Court is not competent to decide the title or right. In that view of the matter, the petition filed by the third respondent was closed. However, the same cannot be taken advantage by the petitioner in the present petition filed for police protection consequent to the order passed by this Court.

6. This Court normally cannot entertain petition for police protection when there is a dispute with regard to right title and enjoyment of the property. It is only the civil Court which is competent to decide the right title and enjoyment of the property as between the parties. Since the dispute with regard to title has not been finally resolved, the prayer in this petition cannot be considered. Hence the Criminal Original petition is dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/



To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.D.SENTHIL, ADVOCATE IN SR No. 90448

PMU/PNN

TE/SKN-RSK/SAR-1 : 21/12/2017 : 3P/5C

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