



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.12.2017

CORAM
THE HON'BLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P. (MD) No.16816 of 2017

M.Fathima

... Petitioner

-Vs-

1.The Inspector of Police,
Kallal Police station,
Sivagangai District.

2.Kalyani

... Respondents

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent police to give adequate police protection to the life and limb of the petitioner and her family members.

For Petitioner
For 1st Respondent

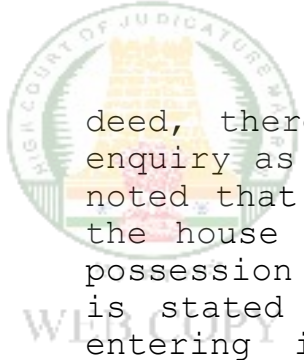
: Mr.A.V.Arun
: Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed for issuance of a direction to the first respondent police to give adequate police protection to the life and limb of the petitioner and her family members.

2.The learned counsel appearing for the petitioner states that the petitioner has purchased a house property bearing Survey No.251/5A1 and patta No.1235 lying opposite to R.C.Church, Kallal, from the second respondent under a sale deed. The said sale deed was registered as Document No.3588, dated 18.07.2016, in Karaikudi Sub Registrar Office. It is further stated that the second respondent after executing a sale deed and giving all the documents in her possession has refused to hand over the possession to the petitioner and that the second respondent started threatening the petitioner. Apprehending danger to the petitioner's life and limb at the hands of second respondent, the petitioner states that she is constrained to file this petition.

3.No doubt, the petitioner has obtained the sale deed dated 18.07.2016 from the second respondent. Though the petitioner has purchased the property from the second respondent under the sale deed with recitals handing over possession, she states that she could not secure possession pursuant to the sale deed. The sale



deed, therefore, is not acted upon. This Court cannot conduct an enquiry as to the circumstances behind the transaction. It is to be noted that the second respondent is in possession and enjoyment of the house property which has been purchased by the petitioner and possession is yet to be handed over. It is the second respondent who is stated to be the one who has obstructed the petitioner from entering into the house. Therefore, it is a case where the petitioner as purchaser is not able to get the possession of the property purchased by her from the second respondent. Therefore, the petitioner should approach the Civil Court for recovery of possession or for appropriate relief. In the representation to the first respondent the petitioner seeks police protection to enable her to enter into the house. Such a protection cannot be given. There appears to be some dispute. This court cannot conduct any rowing enquiry as to the rights of the parties. Hence, this Court is not inclined to entertain this petition and hence, this Criminal Original Petition is dismissed and liberty is given to the petitioner to work out her remedy either by approaching Civil Court or as may be advised to secure possession. The petitioner in case of any threat to her life, can approach the first respondent who shall hold an enquiry and if a case is made out for a cognizable offence can register the complaint and proceed further in accordance with law.

Sd/-
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To:

The Inspector of Police,
Kallal Police station,
Sivagangai District.

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