



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.01.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD)No.23253 of 2016

G.Pani Latha Rani

: Petitioner

-vs-

State rep by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

: Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to give police protection to the petitioner's life and limb and his property based on the petitioner's complaint, dated 28.11.2016.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.K.Anbarasan
Government Advocate (Criminal side)

O R D E R

This petition has been filed to direct the respondent to give police protection to the petitioner's life and limb and her property, based on the complaint, dated 28.11.2016.

2.The learned counsel appearing for the petitioner would submit that the house property bearing Door No.116/2 in Survey No.95 and vacant lands in Survey Nos.75/3, 75/4, 75/6 and 80/5 belonged to her husband G.George by way of Will dated 26.10.1989 executed by his father Gnanaprakasha Nadar and after the death of her husband, the petitioner was in possession and enjoyment of the same and in the meantime, one R.Sumila by creating fraudulent documents in respect of the house property, filed a suit in O.S.No.307 of 2007 on the file of the Principal District Munsif, Valliyoor, for permanent injunction against the petitioner, which was dismissed on 11.03.2011 and on 20.11.2016, the said Sumila trespassed into her house and abused with filthy language and also threatened the petitioner and her family members and in this complaint was preferred before the respondent police, but the respondent police refused to receive the same and that since the said Sumila is politically and financially



influential woman in that locality and that on 28.11.2016, the petitioner has once again given a detailed complaint before the respondent police. Since no action has been taken so far, the petitioner has come forward with this petition seeking the relief as stated above.

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3. Heard the learned Government Advocate (Criminal side) appearing for the respondent and perused the materials available on record.

4. It is seen from the records that one Sumila filed a suit O.S.No.307 of 2007 before the Principal District Munsif, Valliyoor and the same was dismissed on 11.03.2011. It is admitted by the petitioner that O.S.No.262 of 2016 was filed by the same person against her, which was dismissed for default and now, a petition has been filed to restore the said suit and the same is pending before the District Munsif Court, Valliyoor.

5. In this case, even though, the petitioner has not stated the dismissal date of O.S.No.260 of 2016 and the filing of I.A.No.300 of 2016 for restoration of O.S.No.260 of 2016 in her petition, it is admitted that civil dispute is pending between the same parties. In view of the above circumstances, this court is not inclined to grant the relief as sought for by the petitioner.

6. In the result, this petition is dismissed giving liberty to the petitioner to work out her remedy before the appropriate forum in the manner known to law.

Sd/-

Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar

To,

1. The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

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

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RL/3C/2P/MR/SAR2/4.4.2017

Cr1.O.P.(MD) No.23253 of 2016