

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.915 of 2018

V.G.Thirumalai

...Petitioner

vs.

1. State rep. by
The Superintendent of Police
Kancheepuram
Kancheepuram District.

2. The Inspector of Police
Chengalpattu Taluk Police Station
Kancheepuram District.

3. V.K.Thamizhmani

...Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking a direction to the 1st and 2nd respondent to provide police protection to construct the compound wall, as sought for in the complaint dated 10.12.2017 given by the petitioner.

For petitioner :Mr.M.Babu Muthu Meeran

For Respondent :Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)
for R1 & R2
Mr.V.R.Kamalanathan, for R3

O R D E R

This Criminal Original Petition has been filed seeking a direction to the 1st and 2nd respondent to provide police protection to construct the compound wall, as sought for in the complaint dated 10.12.2017 given by the petitioner.

2. Today, Mr.Chandrasekaran, SSI, D2, Chengalpet Police Station, Kancheepuram District, is present before this Court.

3. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) and the learned counsel for the third respondent.

4. On 03.07.2015, this Court passed a detailed order in Crl.OP.No.13607 of 2015, wherein, it has observed that the land in question belongs to Ninthimathi, wife of V.G.Thirumalai and that Kathirvel (A1) had impersonated Sivaprakasam and registered a settlement deed in respect of the said property in favour of his children, in connection with which, a case in Crime No.19 of 2010 was registered and the same has culminated in C.C.No.38 of 2015. Similarly, when one of the sons of Kathirvel (A1) executed a release deed in respect of the same property, this Court went into this aspect in Crl.OP.No.9241 of 2017 on 11.08.2017. Thus, there are prima facie materials to show that the property originally belongs to Ninthimathi and that Kathirvel (A1) and his sons had created a fabricated document to take possession.

5. The learned counsel for the petitioner submitted that now, Ninthimathi has given a settlement deed in favour of the petitioner (husband) since it is difficult for her to manage the property.

6. The learned counsel for the third respondent submitted that a suit in O.S.No.174 of 2011 is pending between the parties.

7. This issue has also been considered by this Court in Paragraph No.7 of the order dated 03.07.2015 in Crl.OP.No.13607 of 2015. Under such circumstances, when there are repeated encroachments into the petitioner's property, it is paramount duty of the police to give protection to the petitioner for construction of fence or compound wall. Accordingly, the police is directed to give sufficient protection to the petitioner for putting up compound wall around the said property.

With the above direction, this petition is ordered, accordingly.

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sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Superintendent of Police
Kancheepuram
Kancheepuram District.

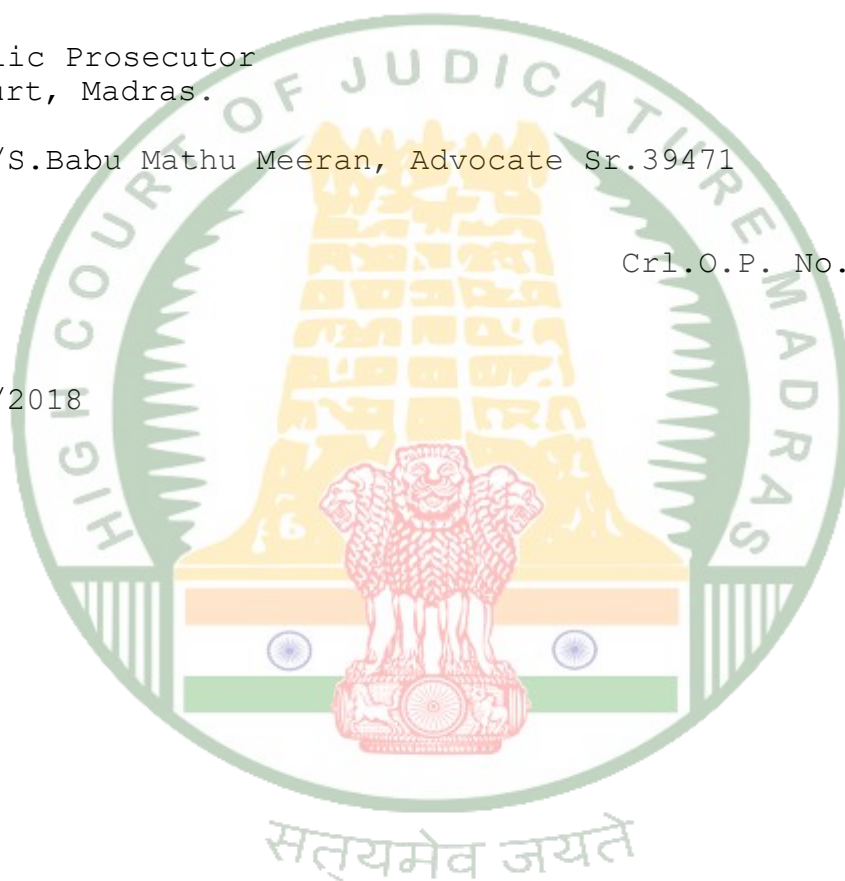
2.The Inspector of Police
Chengalpattu Taluk Police Station
Kancheepuram District.

3.The Public Prosecutor
High Court, Madras.

+1cc to M/S.Babu Mathu Meeran, Advocate Sr.39471

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srg 06/07/2018



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