

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2018

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.8220 of 2018

M.Vijayarajan ... Petitioner

Vs

1. The Inspector of Police (L & O),
Ammamet Police Station,
Erode District.
2. The Superintendent of Police,
Erode District,
Erode.
3. The Deputy Inspector General of Police,
West Zone, Coimbatore.
4. S.Shakila Banu ... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to issue appropriate direction to the 2nd respondent to give Police protection for the life and safety of the petitioner, his family members, his workers and the lands of the petitioner and his wife in R.S.Nos.44/1, 44/2, 44/3 & 44/4 of Kurichi Village, Bhavani Taluk, Erode District and initiate appropriate action against the offenders in accordance with law, on the basis of the petitioner's wife complaint to the 1st respondent in C.S.R.No.53/2018 dated 01.03.2018.

For Petitioner : Mr.P.M.Duraiswamy

For Respondents : Ms.Kritika Kamal.P,
Government Advocate (Crl. Side)
for R1 to R3

ORDER

This Criminal Original Petition has been filed seeking for a direction to the 2nd respondent police to give police protection, on the basis of the petitioner's wife complaint in

C.S.R.No.53/2018 dated 01.03.2018 on the file of the 1st respondent police.

2.It is the case of the petitioner that he borrowed a sum of Rs.13,25,000/- from the 4th respondent, but however, the 4th respondent had given a Demand Draft only for Rs.13,01,000/-. It is the further contention that for the said amount, the petitioner and his wife were asked to execute a Sale Deed dated 08.01.2018 in respect of their house and land property in favour of the 4th respondent. It is the further case of the petitioner that the 4th respondent had agreed to cancel the said Sale Deed, after the loan amount is paid. While so, it is alleged by the petitioner that the petitioner is ready and willing to repay the amount to the 4th respondent.

3.It is the case of the petitioner that he has not encashed the Demand Draft and when he wanted to cancel the Sale Deed, the 4th respondent did not relent and instead, she was trying to take forcible possession of the property from the petitioner. In this regard, the petitioner has filed O.S.No7 of 2018 before the learned IV Additional District Judge, Bhavani, for a declaration that the Sale Deed dated 08.01.2018, as null and void. In such circumstances, the petitioner has filed the present petition for police protection.

4.Ms.K.Pushpa, Woman Sub-Inspector of Police, Ammapet Police Station, Erode District, is present before this Court.

5.On instructions, Mrs.Kritika Kamal.P, learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3, submitted that the 4th respondent is in possession of the property and not the petitioner. Be that as it may, this Court cannot give any finding on the rival submissions as to who is in possession of the property. It is for the Civil Court to decide those rights. However, the police shall ensure that no physical harm befalls the petitioner and his family members, at the instance of the 4th respondent.

With the above direction, this Criminal Original Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

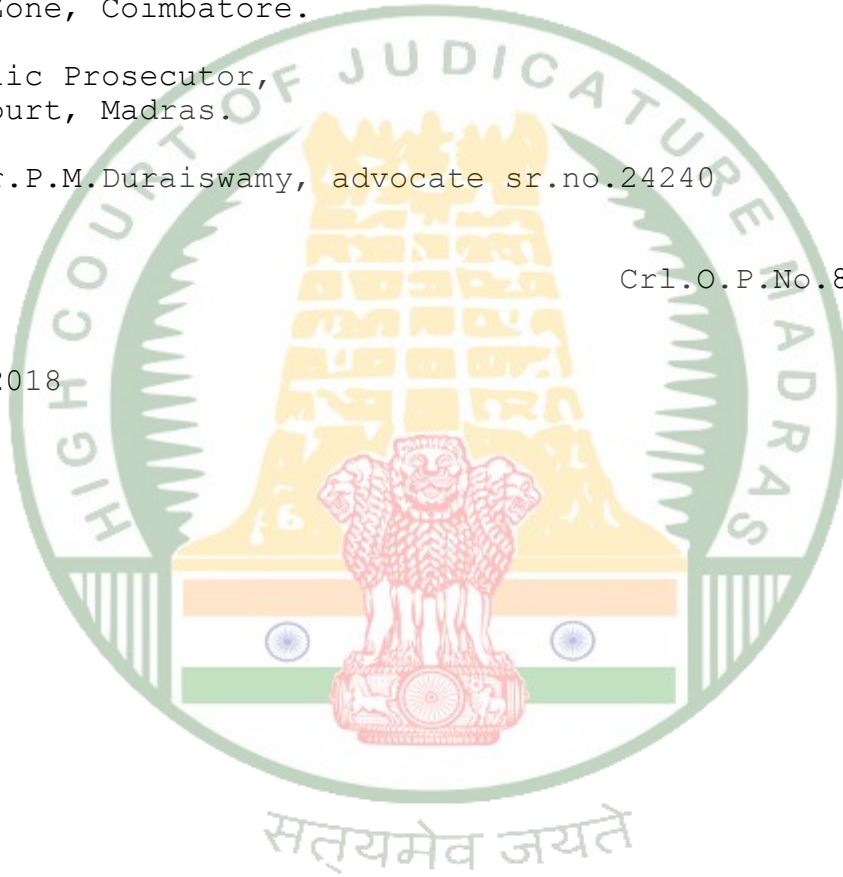
To

1. The Inspector of Police (L & O),
Ammamet Police Station,
Erode District.
2. The Superintendent of Police,
Erode District,
Erode.
3. The Deputy Inspector General of Police,
West Zone, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.M.Duraiswamy, advocate sr.no.24240

Cr1.O.P.No.8220 of 2018

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