

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl. O.P. No.3648 of 2017

Kalaivanan

... Petitioner

Vs.

1. The State rep. by
the Inspector of Police,
P2, Otteri Police Station,
Chennai.

2. Krishnaveni

... Respondents

(R2 is impleaded as per order of this
Court dated 08.02.2018 made in
Crl.M.P.1477 of 2018)

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C, to direct the respondent police to give police
protection on the day of ceiling by asbestos sheets to
petitioner's home.

For Petitioner : Mr.R.Ravindra Ram
For R1 : Mrs.M.Prabhavathi,
Additional Public Prosecutor
For R2 : Mr.R.Thangamani

ORDER

This petition has been filed to direct the respondent police
to give police protection on the day of ceiling by asbestos
sheets to petitioner's home.

2. It is the case of the petitioner that his family was the
tenant in Door No.249/1, Bricklin Road, Purasaivakkam, Chennai-
600 007 for over 70 years under one Andalammal; Andalammal died
in the year 1995; after the death of Andalammal, Krishnaveni
(A1) created a false document as if she is the owner of the
property and sold the same by document No.4778 of 2011 to one
Mamtha A.Mutha; Krishnaveni had derived title by a will that is
said to have been left by Andalammal and obtained probate in

Original Petition No.565 of 2001 from the High Court of Madras; one Sankaran who was living in the said property challenged the probate proceedings and prayed for revocation of the probate by filing Application No.111 of 2008 in Original Petition No.565 of 2001, which was dismissed by a learned Single Judge; in O.S.A. No.37 of 2011, the order passed by the learned Single Judge, was set aside by a Division Bench on 01.07.2011 and the probate order was revoked; Krishnaveni (A1) challenged the order before the Supreme Court in S.L.P. (Civil) No.28582 of 2011 which was dismissed on 05.09.2013 on the ground that she had no interest in the property, for she having sold it by document No.4778 of 2011; during the Chennai floods in December 2015, the roof of the property gave way and when the petitioner wanted to put up the roof, Krishnaveni brought five Advocates and assaulted the workers of the petitioner and thereby, prevented them from putting up asbestos roof. Therefore, in connection with that, on the complaint given by the petitioner, the respondent Police have registered a case in Otteri Police Station Crime No.1807 of 2016 on 16.12.2016 under Sections 468, 420, 324 and 506(i) IPC against Krishnaveni and others; even in the FIR, the petitioner had given the names of the Advocates, who had accompanied Krishnaveni to take forcible possession of the property.

3. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the first respondent and the learned counsel for the second respondent.

4. The learned counsel for the second respondent submitted that there are civil disputes between the parties inasmuch as a suit in O.S.No.2782 of 2016 is pending on the file of the XIII Assistant City Civil Court, Chennai and under such circumstances, no protection can be granted to the petitioner.

5. This Court gave its anxious consideration to the rival submissions.

6. The fact remains that the Division Bench of this Court has revoked the probate that was granted in favour of Krishnaveni (A1) and the S.L.P filed by Krishnaveni (A1) has also been dismissed. What the petitioner is now seeking is, police protection for putting up roof, as the existing roof has fallen during the Chennai floods in December 2015.

7. Under such circumstances, this Court directs the first respondent police to give sufficient protection to the petitioner and his workers, enabling the petitioner to put up roof over the property. If any obstruction is raised by Krishnaveni (A1) or any others on her behalf, the first respondent police shall take appropriate action against them.

This petition is ordered with the above direction and observation.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mkn/hvk

To

1. The Inspector of Police,
P2 Otteri Police Station,
Chennai.

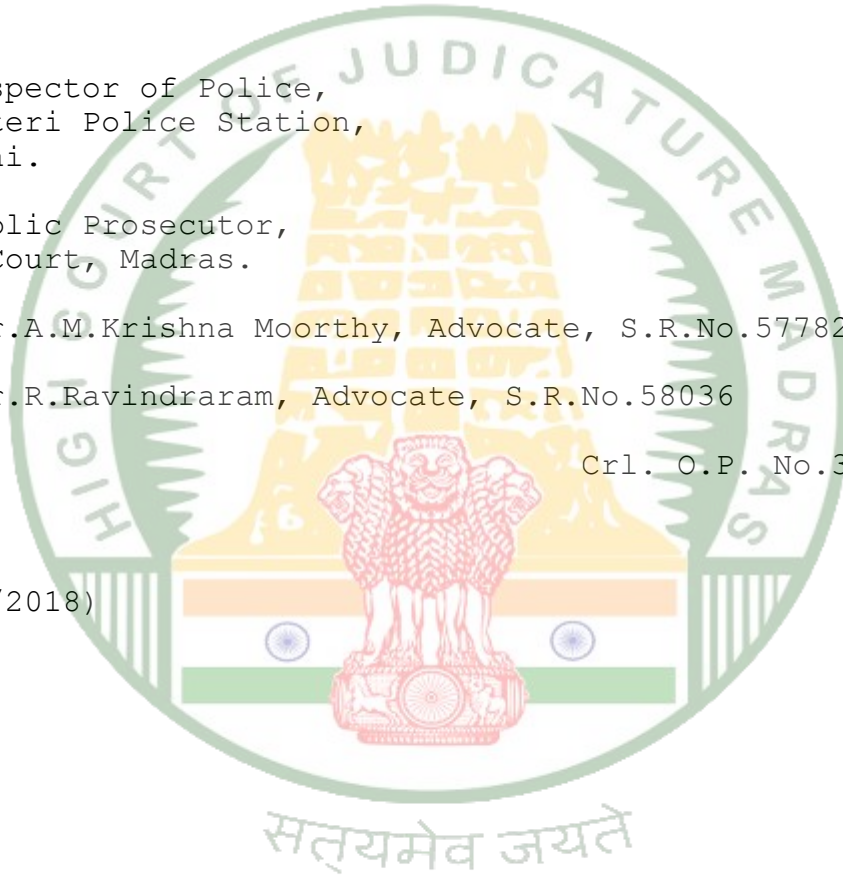
2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.A.M.Krishna Moorthy, Advocate, S.R.No.57782

+1cc to Mr.R.Ravindraram, Advocate, S.R.No.58036

Cr1. O.P. No.3648 of 2017

AK(CO)
GSP(10/09/2018)



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