

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.03.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.28281 of 2017

S.Thilagavathy

..Petitioner

Vs

1.The District Superintendent of Police,
Kancheepuram,
Kancheepuram District.

2.The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam, Chennai.

3.S.Sawmya

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent police to give adequate police protection to take back the things of petitioner and her son lying in the premises at No.A2.248, Pacific City Apartments, 42, Balamudali Street, Kelambakkam, Chennai - 603 103 and to further give protection for her against the third respondent.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents 1 & 2 : Mrs.P.Kritika Kamala,
Government Advocate (Crl. side)

For Respondent 3 : Mr.S.Parthasarathy

O R D E R

This petition has been filed by the petitioner seeking a direction to the respondent police to give adequate protection to take back the things belonging to the petitioner and her son lying in the premises at No.A2, 248, Pacific City Apartments, 42, Balamudali Street, Kelambakkam, Chennai - 603 103 and also to give protection to her.

2.The petitioner herein is the mother-in-law and her son is the husband of the third respondent. It is the case of the petitioner that owing to certain disputes between her son and

the third respondent herein, the petitioner herein and her son moved to a separate residents at Tower 20A, 3H, Lotus Pond, Vijayashanthi Apartments, OMR Road, Thaiyur, Kelambakkam, Chennai. However, the third respondent herein continue to live at their matrimonial house situated at No.A2, 248, Pacific City Apartments, 42, Balamudali Street, Kelambakkam, Chennai.

3.The grievance of the petitioner is that the things belonging to her and her son are still lying in the premises where the third respondent is residing. Since the third respondent is not permitting the petitioner for removal of articles, the petitioner has sought for police protection.

4. The petitioner's son had filed a petition seeking for restitution of his conjugal rights in HMOP No.37 of 2016 on the file of the Sub Court, Chengalpet which is pending. While the matrimonial dispute is pending before the court below, wherein the third respondent and her husband are parties, the proper remedy to take back the personal belongings of the petitioner's son would be to invoke the jurisdiction of the concerned Court where the petition seeking for restitution of conjugal rights is pending. I am unable to comprehend as to why the third respondent's husband did not file the present petition seeking for return of his belongings, particularly, when she has filed the petition seeking for orders to live with his wife.

5. Above all, when the petitioner's son is intending to live with his wife, it would not proper to allow the police to escort the petitioner herein, for the purpose of removing the things of the petitioner and her son from the third respondent's husband. This Court is also of the view that the petitioner should take appropriate steps to invoke the mediation process before the Court below and sort out her limited grievance. In the result, I do not find any merits in the present petition seeking for protection.

6. Hence, the Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Superintendent of Police,
Kancheepuram,
Kancheepuram District.

2.The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam, Chennai.

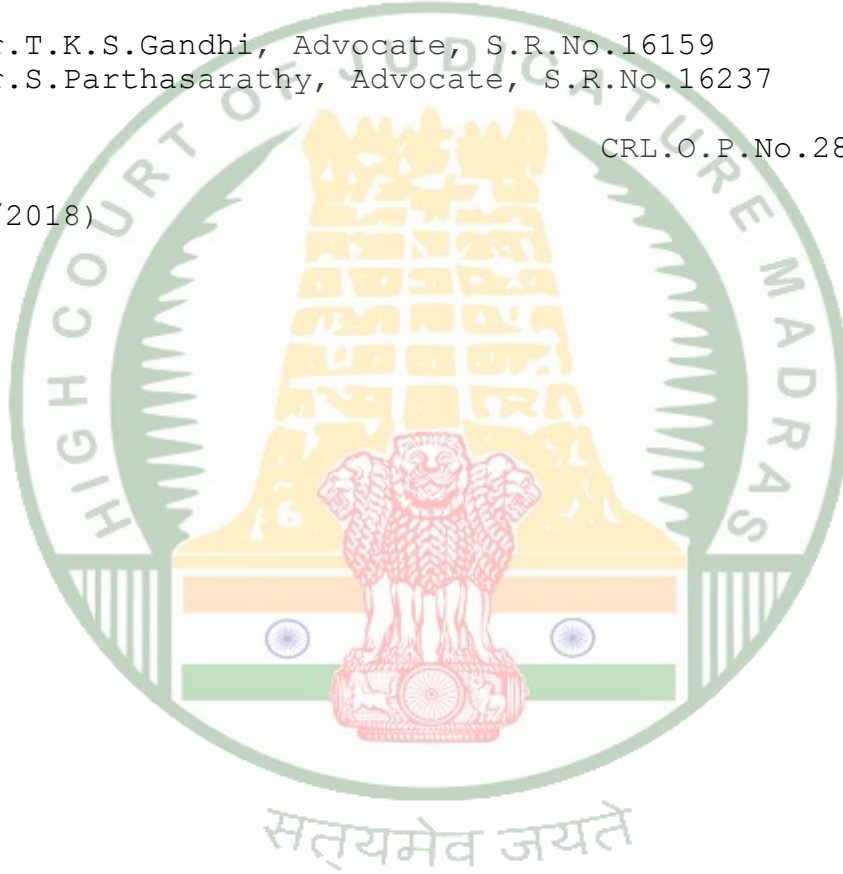
3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.K.S.Gandhi, Advocate, S.R.No.16159

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.16237

CRL.O.P.No.28281 of 2017

KS (CO)
RRK (22/03/2018)



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