

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

CORAM:

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

Crl.O.P. No.28517 of 2017

Sharmila

Petitioner

vs.

1 The State represented by
the Deputy Superintendent of Police
O/o the Deputy Superintendent of Police
Arani
Thiruvannamalai District

2 U. Mubarak Basha

Respondents

(R2 impleaded vide order dated 12.02.2018
made in Crl.M.P.No.1737 of 2018)

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to direct the respondent to provide police protection
to the petitioner for the enforcement of the judgment and
decree made in O.S. No.150 of 2017 by the District Munsif,
Arani, Thiruvannamalai District in respect of her property on
her representation to the first respondent on 13.12.2017.

For petitioner Ms. G. Janaki
For R1 Ms. M. Prabhavathi
Addl. Public Prosecutor

For R2 Ms. B. Jaya

ORDER

This Criminal Original Petition has been filed seeking to
direct the first respondent to provide police protection to the
petitioner for the enforcement of the judgment and decree made
in O.S. No.150 of 2017 by the District Munsif, Arani,
Thiruvannamalai District in respect of her property, in
pursuance of her representation to the first respondent on
13.12.2017.

2 The petitioner is the sister of the second
respondent. It is the case of the petitioner that she had
purchased the property in question from her earnings and had
constructed small shops in that property to eke out her
livelihood. The second respondent approached the petitioner to

let out the shops for his tailoring business promising to pay her rent without fail. Believing his words, she let out the shops to him in the year 2003. While so, the second respondent stopped paying rent from April 2010 and thereafter, he closed the shops and continued to keep possession of the same. Hence, the petitioner filed an injunction suit in O.S. No.150 of 2017 before the District Munsif Court, Arani, against the second respondent, in which, a compromise decree was passed on 09.12.2017, the terms of which are as under:

"JOINT MEMO FILED BY PLAINTIFF AND DEFENDANT

It is submitted that on receipt of the notice of the above suit, the defendant approached the plaintiff on Sunday 29.10.2017 for compromise at the instance of elder and relatives. Both are arrived at compromise for closure of the unwanted litigation. The defendant has requested the plaintiff to reduce the arrears of rent as mentioned in the plaint. The plaintiff also accepted magnanimously and received the same of Rs.20,000/- as full and final settlement by the advice of the elders. Both are intended to resolve the dispute and do not want to pursue the above civil suit. The defendant also undertakes to advise his men not to disturb the absolute and peaceful possession of the suit property. By the above term, both the parties are arrived at compromise."

While so, it is the case of the petitioner that when she attempted to open the shops, the second respondent is once again preventing her from doing it. Hence, she seeks police protection.

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

4 The learned Additional Public Prosecutor submitted that the second respondent was running chit business in those shops and after collecting monies from various persons, had cheated them.

5 The learned counsel for the second respondent refuted the contentions put forth by the learned counsel for the petitioner and the learned Additional Public Prosecutor.

6 Be that as it may, the fact remains that there is a valid decree in favour of the petitioner, for implementing which, the police are required to give protection in terms of G.O. Ms.No.1580, Home (Police-VII) Department dated 24.11.2008. In fact, in the decree, the second respondent has unequivocally accepted not to disturb the petitioner and threaten her possession.

7 In view of the above, the police are directed to provide sufficient police protection to the petitioner to open the shops and enjoy the same in accordance with law. The police shall also ensure that when the petitioner opens the shops and runs her business, no harm befalls her from the persons who were allegedly cheated by the second respondent.

With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Deputy Superintendent of Police
O/o the Deputy Superintendent of Police
Arani, Thiruvannamalai District

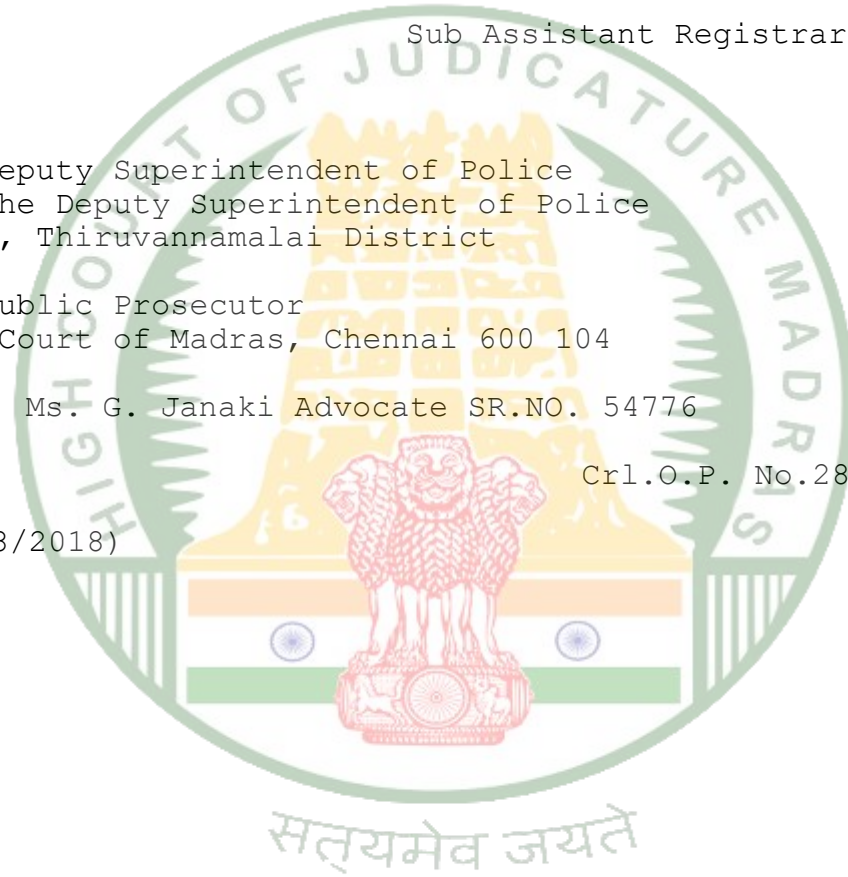
2 The Public Prosecutor
High Court of Madras, Chennai 600 104

+1 cc to Ms. G. Janaki Advocate SR.NO. 54776

CrI.O.P. No.28517 of 2017

gp(co)

ASK(30/08/2018)



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