



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2018

CORAM:

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

Crl.O.P. No.13386 of 2018 & Crl.M.P. No.9774 of 2018

P. Vellairaj

Petitioner

vs.

1 The Superintendent of Police
Tiruppur

2 The Deputy Superintendent of Police
Udumalaipettai

3 The Inspector of Police
Madathukulam Police Station
Tiruppur District

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to direct the respondents to give police protection to the petitioner to run his business at Shri Palani Andavar Blue Metals, situated in No.592/1A1, Maivaadi Village, Madathukulam, Marichelambu Post, Palani Taluk, Dindigul District, considering the petitioner's representation dated 30.04.2018.

For petitioner Mr. M. Selvam

For respondents Mr. C. Iyappa Raj
Additional Public Prosecutor

ORDER

Criminal Original Petition No. 13386 of 2018 has been preferred seeking to direct the respondents to give police protection to the petitioner to run his business at Shri Palani Andavar Blue Metals, situated in No.592/1A1, Maivaadi Village, Madathukulam, Marichelambu Post, Palani Taluk, Dindigul District, considering the petitioner's representation dated 30.04.2018.

2 Vellairaj, the petitioner herein, got married to Umadevi and on account of matrimonial discord, they got estranged. Vellairaj filed a suit in O.S. No.152 of 2018 before



the III Additional District Court, Dharapuram for an order of interim injunction restraining Umadevi from interfering with his peaceful possession of the property at S. No.592/1A1 in No. 85, Mywadi Village on the ground that the said property was purchased by Vellairaj in the name of his wife Umadevi. An order of interim injunction was also granted in favour of Vellairaj in O.S. No.152 of 2018. While so, Vellairaj filed the present petition, viz., Crl.O.P. No.13386 of 2018 seeking police protection without even impleading Umadevi. This Court, by order dated 09.05.2018, directed the police to give protection to Vellairaj. On coming to know of this, Umadevi has filed Crl.M.P. No.9774 of 2018 for recalling the order dated 09.05.2018 on the ground that the same has been obtained by suppression of facts.

3 Today, Mr.T. Saravanan, Inspector of Police, Madathukulam, is present. Both Vellairaj and Umadevi are also present.

4 Heard Mr. M. Selvam, learned counsel for Vellairaj and Mr.N.Umapathy, learned counsel for Umadevi.

5 Mr. Selvam, learned counsel for Vellairaj submitted that Vellairaj has not suppressed any fact and that police protection has been obtained only in respect of the property for which an order of interim injunction has been granted by the Civil Court.

6 Per contra, Mr. Umapathy, learned counsel for Umadevi submitted that in the prayer in Crl.O.P. No.13386 of 2018, Vellairaj has given the address of a property situate in Maalvadi Village in Dindigul District instead of Mywadi Village in Thiruppur District.

7 As a riposte, Mr. Selvam, contended that it was a sheer typographical error and there was no ulterior motive for giving the said address.

8 Be that as it may, there are several disputes pending between Vellairaj and Umadevi. Under such circumstances, an ex parte order of police protection ought not to have been granted to Vellairaj without hearing Umadevi. Hence, Criminal Miscellaneous Petition No.9774 of 2018 seeking to recall the order dated 09.05.2018 stands allowed. It is open to both Vellairaj and Umadevi to work out their remedies before the Civil Court in the manner known to law.



Cr1.O.P. No.13386 of 2018 stands disposed of with the above observation.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Superintendent of Police, Tiruppur
- 2 The Deputy Superintendent of Police, Udumalaipettai
- 3 The Inspector of Police
Madathukulam Police Station, Tiruppur District
- 4 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr. M. Selvam, Advocate sr.no.52765

Cr1.O.P. No.13386 of 2018

nr 20/08/2018