

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.10.2018

CORAM:

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

CrI.O.P. No.15675 of 2017

V. Mariyammal

..Petitioner

vs.

1 The Commissioner of Police
Greater Chennai
Vepery
Chennai 600 007

2 The Assistant Commissioner of Police
G-5 Secretariat Colony Police Station
Kilpauk
Chennai 600 010

3 The Inspector of Police
G-5 Secretariat Colony Police Station
Kilpauk
Chennai 600 010

4 Jayabalan

..Respondents

(R4 impleaded as per the order dated 24.08.2017 passed by this Court in CrI.M.P. No.10714 of 2017)

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to provide adequate police protection to the petitioner and her family members' life by considering her complaints dated 28.09.2016 and 16.02.2017.

For petitioner : Mr. A. Rajesh Kanna

For RR 1 to 3 : Mrs. M. Prabhavathi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been preferred seeking a direction to the respondents to provide adequate police protection to the petitioner and her family members' life by considering her complaints dated 28.09.2016 and 16.02.2017.

2 It is the case of the petitioner that her late husband had left certain properties, in connection with which, a partition suit has been filed in O.S. No.6183 of 2008 before the III Assistant City Civil Court, Chennai which is pending and in the said suit, Jayabalan who is said to be the son of the second wife of the petitioner's husband, is a defendant. It is the further case of the petitioner that during the pendency of the suit, the said Jayabalan is attempting to encroach into the property and therefore, she is seeking police protection.

3 The learned counsel for the petitioner submitted that on the complaint given by one Ambikapathy, the petitioner's son, an FIR was registered against the said Jayabalan in Cr. No.50 of 2010 on 23.01.2010 under Sections 294(b) and 506(II) IPC, despite which, the said Jayabalan is continuing to harass the petitioner.

4 In the opinion of this Court, no police protection as prayed for by the petitioner can be granted in a petition under Section 482 Cr.P.C. especially, when the civil litigation is pending. Since the petitioner is a nonagenarian, the police are directed to ensure that no physical harm befalls her at the hands of the said Jayabalan.

With the above observation, this Criminal Original Petition stands closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Commissioner of Police
Greater Chennai
Vepery
Chennai 600 007
- 2 The Assistant Commissioner of Police
G-5 Secretariat Colony Police Station
Kilpauk
Chennai 600 010.

3 The Inspector of Police
G-5 Secretariat Colony Police Station
Kilpauk
Chennai 600 010

4 The Public Prosecutor
High Court of Madras, Chennai 600 104.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.70514

Cr1.O.P. No.15675 of 2017

rrs 23/10/2018



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