

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28412 of 2018

Mrs.Brintha Duwarakesh

...Petitioner

Vs.

1.State represented by
Inspector of Police,
T-3, Korattur Police Station,
Chennai-600 080.

2.P.DuwarakeshRespondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to direct the respondent No.1 to consider the representation dated 03.12.2018 and to provide police protection in case of parents or relatives of the petitioner No.2 cause any harassment to the petitioner while her matrimonial life in the matrimonial home (shared household) at Chennai.

For Petitioner : M/s.P.Kalimuthu
For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed seeking for police protection.

2. The petitioner had filed a petition under Domestic violence Act. In the said petition, the petitioner filed a miscellaneous petition in C.M.P.No.5829 of 2018, seeking for interim relief of shared household. The learned Judicial Magistrate, Ambattur, after considering the facts and circumstances of the case, passed an order, dated 29.11.2018, granting right of residence in favour of the petitioner. In the said order, the learned Magistrate had also directed the Protection Officer to send Domestic Incidence Report and had further directed the police to give sufficient assistance in order to give effect to the order.

3.The learned counsel for the petitioner would submit that in spite of passing of the order, the petitioner has not been allowed to enter into the house by the husband and his parents. Therefore, a representation was made before the respondent Police on 03.12.2018, bringing to the notice of the respondent Police about the order passed by the Court below and

had also sought for police protection in order to give effect to the said order. In spite of receiving the representation, no action has been taken by the respondent Police. Therefore, this petition has been filed seeking for providing police protection.

4. In this case, admittedly, there is an interim order of right of residence was passed by the learned Judicial Magistrate, Ambattur. The petitioner was not been able to enjoy the fruits of the order, since the parents and the relatives of the husband are preventing the petitioner from entering into the property. The order passed by the Court below has to be given effect to. Therefore, the respondent Police has to necessarily come to the aid of the petitioner in order to give effect to the order passed by the learned Judicial Magistrate.

5. This Criminal Original Petition is disposed of with the direction to the vfirst respondent to give sufficient police protection to the petitioner and also ensure that the order passed by the learned Judicial Magistrate, Ambattur, in C.M.P.No.5829 of 2018, dated 29.11.2018, is implemented in letter and spirit.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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1. The Judicial Magistrate, Ambattur,

2. The Inspector of Police,
T-3, Korattur Police Station,
Chennai-600 080.

+1cc to M/s.P.Kalimuthu, Advocate SR.No. 83420

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ASK(06/12/2018)

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