

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28538 of 2018

V.Anurdha

: Petitioner

Vs.

1.Viswanathan

2.Kamalam

3.Ilamurugan

4.Selvi.Gomathi

5.The Protection Officer,
District Social Welfare Office,
Coonoor, Nilgirs District.

6.The Inspector of Police,
N-2, Police Station, Kulakkombai,
Coonoor Taluk, Nilgirs District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondents 5 to 6 to break open the door of petitioner's room in the shared house situate at No.13/120, Thilagar Nagar, Thudhur Mattam, Coonoor, Nilgiris district and to put the petitioner in the said room.

For Petitioner : Mr.S.T.P.Kuilmozhi

For Respondents 5 & 6 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for police protection, in order to implement the orders passed by the learned Judicial Magistrate, Coonoor, under the Domestic Violence Act.

2.The petitioner/wife filed a petition under Section 12 of the Domestic Violence Act, before the Judicial Magistrate,

Coonoor, in D.V.C. No.6 of 2018 and sought for certain reliefs. The petitioner also sought for an interim relief of maintenance and shared household in the matrimonial house. The learned Judicial Magistrate, Coonoor, by an order dated 28.09.2018, allowed the petition filed by the petitioner and directed the husband and his family members to permit the petitioner to reside in the shared household. The Court below also further directed payment of interim maintenance of a sum of Rs.2,000/- per month and also restrained the husband and his family members from disturbing the petitioner in the shared household. The Court below while passing the said order specifically directed the Protection Officer to assist the petitioner in order to implement the said order.

3.The learned counsel for the petitioner would submit that immediately after coming to know about the order passed by the learned Judicial Magistrate, Coonoor, the house was locked by the family members of the husband. Therefore, the petitioner was not in a position to go into the house. The learned counsel also brought to the notice of this Court, the report of the Protection Officer, dated 05.10.2018, wherein the Protection Officer has specifically stated that the house has been locked and therefore, it is not possible to implement the order of the Court below by permitting the petitioner to reside in the shared household. The learned counsel for the petitioner would submit that the petitioner left with no other option, filed the present petition seeking to break open the lock and to give possession of the property to the petitioner.

4.The learned Additional Public Prosecutor would submit that the police can at the best only provide for police protection. The police cannot aid the petitioner to break open the lock and the petitioner has to get specific order from the concerned Court in order to break open the lock and to take possession of the shared household. सत्यमेव जयते

5.This Court has carefully considered the submission made on either side. The petitioner has already obtained an order of shared household from the concerned Court on 28.09.2018. The Protection Officer was not able to assist the petitioner in giving her possession of her property since it is under lock. The report of the Protection Officer dated 05.10.2018, makes this position very clear. At this stage, this Court cannot give any direction permitting the police to break open the lock in order to take possession of the property. The petitioner has to specifically seek for such an order before the concerned Magistrate Court.

6.This Criminal Original Petition is disposed by giving liberty to the petitioner to approach the learned Judicial Magistrate, Coonoor, by filing appropriate petition seeking for breaking open the lock in order to take possession of the shared household and in order to implement the earlier order passed by the concerned Court on 28.09.2018.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Protection Officer,
District Social Welfare Office,
Coonoor, Nilgiris District.
- 2.The Superintendent of Police,
N-2, Police Station, Kulakkombai,
Coonoor Taluk, Nilgiris District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to M/S.S.T.P.Kuilmozhi, Advocate Sr.83951

सत्यमेव जयते

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srg 10/12/2018

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