



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.16804 of 2018

A. John Rose

... Petitioner

Vs.

1. The Superintendent of Police
Kanyakumari District
Nagercoil

2. The Inspector of Police
Thuckalay Police Station
Kanyakumari District

3. Vijayakumar

4. Glory Bai

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to provide sufficient police protection to the petitioner to construct compound wall in and around his property comprised in R.S.No.41/6A of Thuckalay Village, Kalkulam Taluk, Kanyakumari District based on his petitions dated 17.08.2018 and 28.08.2018.

For Petitioner: Mr.C.T.Perumal

For Respondent: Mr.K.Suyambulinga Bharathi
No.1 & 2 Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to provide sufficient police protection to the petitioner to construct compound wall in and around his property comprised in R.S.No.41/6A of Thuckalay Village, Kalkulam Taluk, Kanyakumari District based on his petitions dated 17.08.2018 and 28.08.2018.



2. It is seen from records that the mother of the third respondent filed suit in O.S.No.38 of 2009 against the petitioner and two others seeking for relief of permanent injunction. In the very same suit the petitioner has also filed a counter claim. The said suit is said to have been disposed finally on 17.03.2011, wherein the suit filed by the mother of the third respondent was dismissed and the counter claim of the petitioner was decreed. By virtue of the decree in the counter claim, the petitioner was entitled for permanent injunction against the mother of the third respondent.

3. Subsequently when the petitioner attempted to sell her property, the third and fourth respondent seems to have been interfering with the same and had caused threat to the petitioner. Therefore the petitioner has given complaint dated 17.08.2018 to the second respondent police seeking for police protection.

4. In view of the judgment and decree passed in favour of the petitioner, the petitioner is entitled to enjoy her property without interference of the third and fourth respondent. The third and fourth respondents are bound by the decree passed in favour of the petitioner.

5. The second respondent is directed to call the parties for giving proper instructions. If inspite of the same, the third and fourth respondent attempts to continue with the threat to the petitioner, proper action may be taken against them by the second respondent immediately. If situation warrants, the second respondent may also give police protection to the petitioner.

6. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police
Kanyakumari District
Nagercoil



2. The Inspector of Police
Thuckalay Police Station
Kanyakumari District

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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.C.T.PERUMAL, ADVOCATE IN SR NO.85785

AAV

BU/SKN/SAR-III :11.10.2018 : 3P/5C

CrI.O.P.(MD)No. 16804 of 2018
20.09.2018