



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.19390 of 2018

Ramuthai

: Petitioner

Vs.

1. The Superintendent of Police,
Theni, Theni District.
2. The Deputy Superintendent of Police,
Aundipatty, Theni District.
3. The Inspector of Police,
Rajathani Police Station,
Aundipatty Taluk,
Theni District.
4. Ayyampidari
5. Thangakodi
6. Thangapandi
7. Pandiaraj

: Respondents

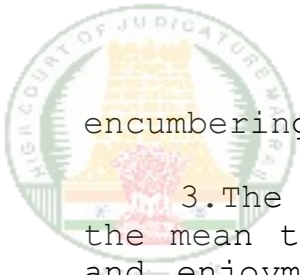
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 2 and 3 to provide adequate police protection for the petitioner's life and limb by disposing the petitioner's representation dated 25.09.2018.

For Petitioner : Mr.R.Suriyanarayanan
For R1 to R3 : Ms.S.Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking for a direction to the respondents 2 and 3 to give adequate police protection to the life and limb of the petitioner by considering the representation of the petitioner dated 25.09.2018.

2.The learned counsel for the petitioner would submit that the petitioner is the co-owner of the property in dispute. The petitioner along with three others filed a suit seeking for partition and for allotting 1/5th share in the suit property. According to the learned counsel for the petitioner, the case is now pending in S.A.No.514 of 2017 before this Court. This Court has also granted an interim order on 04.12.2017 restraining the respondents in the second appeal from any way alienating or



encumbering over the property.

3.The learned counsel for the petitioner would submit that in the mean time the respondents 4 to 7 are disturbing the possession and enjoyment of the property and she is being threatened. The learned counsel would further submit that the petitioner as a co-owner of the property is entitled to protection and she cannot be threatened or disturbed by the respondents 4 to 7.

4.The learned Government Advocate appearing for the official respondents on instructions would submit that based on the complaint given by the petitioner, the respondent police have conducted the enquiry and in the enquiry the parties have given in writing that they will workout their remedy before the appropriate civil Court. Based on the undertaking given by the parties, the respondent police have also closed the complaint / petition on 11.10.2018.

5.This Court has carefully considered the submissions made on either side. Admittedly, S.A.(MD)No.514 of 2017 is pending before this Court. If at all the petitioner wants to safeguard her rights over the property, the petitioner has to file an appropriate petition only in the pending second appeal. An independent petition before this Court seeking for police protection is clearly not maintainable.

6.In view of the above, this Criminal Original Petition is dismissed giving liberty to the petitioner to file an appropriate petition in the pending second appeal.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Theni, Theni District.
2. The Deputy Superintendent of Police,
Aundipatty, Theni District.
3. The Inspector of Police,
Rajathani Police Station,
Aundipatty Taluk,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TA

TE/BK/SAR-4 : 26/12/2018 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

Cr1.O.P.[MD].No.19390 of 2018
29.10.2018