

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.16821 of 2019

V.Kasthuri

...Petitioner

Vs.

1. The State Rep. by
The Inspector of Police,
T-10, Thirumullaivayol Police Station,
Avadi Taluk, Chennai

2. Mrs.Packiamuthu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 1st respondent to give police protection for peaceful possession and enjoyment of the property situated an extent of 15 cents comprised in Survey No.289, sub-division of survey No.289/7, located at No.17- Ayapakkam Village, Plot No.3, Pallekkoda Street, Avadi Taluk, Chennai 600077.

For Petitioner : Mr.Mohammed Aseef G

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This petition has been filed seeking for Police Protection.

2. The learned counsel for the petitioner submitted that the husband of the petitioner had obtained Civil Court decree against the vendor of the 2nd respondent. The property was subsequently settled in favour of the petitioner. In spite of Civil Court decree, the 3rd respondent is causing threat to the petitioner and is trying to interfere with the possession and enjoyment of the property. A careful look at the decree would show that there was only a relief of declaration without any consequential prayer. Admittedly, the Civil Court has not

decided upon the issue regarding possession. Under such circumstances, the relief as sought for by the petitioner cannot be granted by this Court, since the issue of possession is under question.

3. This Court disposes of this Criminal Original petition by giving liberty to the petitioner to seek for appropriate relief before the Competent Civil Court and work out her remedy in accordance with law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The State Rep. by
The Inspector of Police,
T-10, Thirumullaivayol Police Station,
Avadi Taluk, Chennai
2. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.16821 of 2019

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