

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.11336 of 2017

P.Shanthi

...Petitioner

Vs.

State rep. by its
The Inspector of Police,
Kavunthapadi Police Station,
Bhavani Taluk,
Erode District

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent to give police protection for petitioner's and petitioner's mother-in-law's life as well as petitioner's and petitioner's mother-in-law's property.

For Petitioner : Mr.P.Saravanan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent to give police protection for the life and property of the petitioner and her mother-in-law.

2. The learned counsel for the petitioner submitted that the petitioner and her mother-in-law are in possession of lands measuring 0.05 cents and 0.03 cents respectively, and when they tried to erect fencing stones in that lands some known persons threatened them and also prevented from erecting fencing stones. In respect of the said lands, the petitioner's mother-in-law has filed a suit in O.S.No.272 of 2001 before the Principal District Munsif Court, Bhavani, Erode and obtained permanent injunction against the defendants on 05.09.2003. The petitioner has also filed an appeal suit in A.S.No.34 of 2008 before Sub Court, Bhavani and obtained permanent injunction against the defendants by

an order dated 24.03.2010. But whenever the petitioner and her mother-in-law try to fence the lands, the said persons are preventing them from fencing stones. As such they had given a complaint on 22.08.2016 and 22.01.2017 before the respondent, but so far no action has been taken.

3. It is seen that in respect of the said lands, the petitioner and her mother-in-law have obtained decree in their favour. Considering the facts and circumstances of the case, the petitioner is directed to file a fresh complaint before the respondent along with the decree obtained by them in their favour. On receipt of the same, the respondent is directed to consider the same in view of the civil court decree passed by the civil court in O.S.No.272 of 2001 and A.S.No.34 of 2008 and pass order on merits and in accordance with law within a period of four weeks thereafter.

4. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Kavunthapadi Police Station,
Bhavani Taluk,
Erode District

2.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.Saravanan , Advocate SR.No. 29901
(24/06/2019)

Cr1.O.P.No.11336 of 2017

A.SK(03/06/2019)