

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.30299 of 2018

Mahalakshmi

...Petitioner

Vs.

1.State rep. by the Superintendent of Police,
Villupuram District.

2.Palani

3.Kalyanaraman

4.Jeyakodi

5.Anjalai

6.Mottayammal @ Lakshmi

7.Amudha

8.Jeyalakshmi

9.Kaliyammal

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the 1st respondent to provide police protection to the petitioner as requested vide his letter dated 01.10.2018 to the peaceful possession and enjoyment of the petitioner's property.

For Petitioner : Mr.K.Venkatasubban

for M/s.Saravabhauman Associates

For R1

: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed by the petitioner seeking for police protection.

2 The petitioner had already filed a suit in O.S.No.285 of 2010 against the respondents 2 to 9 herein and the I Additional District Munsif Court Ulundurpet by judgment and decree dated 11.08.2014, decreed the suit as prayed for. Subsequently, the defendants had violated the decree passed by the Civil Court, which resulted in filing of E.P.No.21 of 2015 before the Principal District Munsif Court, Ulundurpet.

3 The learned Principal District Munsif, Ulundurpet, by an order dated 12.02.2016, punished the respondents 2 to 9 and directed them to pay a compensation of a sum of Rs.10,000/- to the petitioner.

4 The learned counsel for the petitioner would submit that the decree passed by the competent Civil Court has become final and in spite of the same, the respondents 2 to 9 are not permitting the petitioner to enjoy the property and there is a constant threat exerted by the respondents against the petitioner. Therefore, the petitioner gave a complaint to the police on 01.10.2018, seeking for police protection. In the said complaint itself, it has been stated that on an earlier occasion, when the respondents 2 to 9 attempted to interfere with the possession and enjoyment of the property, they were called for an enquiry and they gave an undertaking that they will not interfere with the possession and enjoyment of the property of the petitioner. In spite of giving such undertaking, the respondents continued to interfere with the possession and enjoyment of the petitioner and are also causing threat to the petitioner. Since no action taken by the respondent police, the present petition has been filed seeking for police protection.

5 The petitioner has already obtained a decree in her favour before a competent Civil Court. That apart the respondents 2 to 9 were already punished by the execution Court for violating the decree passed by the Civil Court. The decree passed in favour of the petitioner has also become final. Therefore, the respondents 2 to 9 cannot take law into their own hands and continue to interfere with the possession and enjoyment of the petitioner and cause threat to the petitioner.

6 This Criminal Original Petition is disposed of, with the direction to the 1st respondent to immediately act upon the compliant dated 1.10.2018 given by the petitioner and call the parties for an enquiry and direct the respondents 2 to 9 not to interfere with the possession of the petitioner and cause threat to the petitioner and if in spite of the same, the respondents 2 to 9 continue to cause threat to the petitioner,

appropriate action may be initiated against them, in accordance with law and if necessary, police protection may also be granted to the petitioner.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

mpa/rpl

To

1.The Superintendent of Police,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Saravabhauman Associates, Advocate SR.No.104

CrI.O.P.No.30299 of 2018

RV (CO)
GMY (28/01/2019)



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