



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.06.2019
CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD)No.8986 of 2019

Sainam Bivi

... Petitioner

Vs.

1.The District Collector,
Collectorate, Trichy.

2.The Commissioner of Police,
Trichy City, Subramaniapuram Trichy.

3.The Assistant Commissioner of Police,
Gandhi Market, Trichy.

4.The Inspector of Police,
Fort Police Station,
Trichy-3.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police authorities to provide necessary protection to the petitioner's life and limb by considering the petitioner's granddaughter representation dated 12.06.2019 within the period that may be stipulated by this Court.

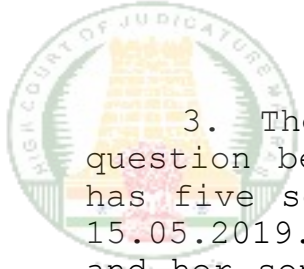
For Petitioners : Mr.R.Narayanan

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

ORDER

This petition has been filed seeking police protection to the petitioner's life and limb by considering the petitioner's granddaughter's representation dated 12.06.2019.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.Side) appearing for the official respondents and perused the materials placed on record.



3. The grievance of the petitioner is that a property in question belongs to the petitioner's husband, Abdul Kareem and she has five sons and two daughters. The petitioner's husband died on 15.05.2019. Thereafter, there was a quarrel between the petitioner and her sons and daughters regarding sharing of the property of the petitioner's husband. The petitioner is living in a separate house and some of her sons and daughter are harassing the petitioner and disturbing her peaceful possession. Hence, her granddaughter filed a complaint before the fourth respondent. Based on the said complaint a case in Crime No.140 of 2019 for the offence punishable under Sections 147, 249(b) and 323 IPC has been registered against one Arapsha and 40 others. Even after registration of the case, the petitioner's daughters and sons were harassing the petitioner and hence, her granddaughter made a representation to the respondent police to grant adequate police protection to the petitioner. Since no action has been taken on the said representation, the petitioner has filed the present petition.

4. The learned Government Advocate (Crl.Side) appearing for the respondents, on instructions, would submit that it is a property dispute between the family members of the petitioner. Earlier based on a complaint given by the petitioner's granddaughter a case has been registered in Crime No.410 of 2017. That apart, another complaint has also been lodged against the petitioner in Crime No.411 of 2019. Now both the complaints are under investigation.

5. The dispute between the parties is civil in nature. There is a case in counter, and both the cases are pending for investigation. Unless the rights of the petitioner is decided by the civil Court, the police cannot give any protection to the petitioner. If at all the petitioner wants to establish her legal right over the disputed property, it is always open to her to approach the civil Court, if any order favourable to her is passed by the civil Court, thereafter, the petitioner will be at liberty to approach the respondent Police seeking police protection. The respondent Police cannot interfere in the civil dispute prevailing between the parties. Hence, the prayer as such sought for by the petitioner cannot be granted at this stage. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar (CS-)

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To

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

1. The District Collector,

Collectorate, Trichy.



2.The Commissioner of Police,
Trichy City, Subramaniapuram Trichy.

3.The Assistant Commissioner of Police,
Gandhi Market, Trichy.

4.The Inspector of Police,
Fort Police Station, Trichy-3.

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

+1 CC to M/s.T.BANUMATHY, Advocate (SR-71980[F] dated 27/06/2019)

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ES/17.07.2019/3P/7C