



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.12889 of 2019

Rengammal

...Petitioner

Vs.

1. The Superintendent of Police
Dindigul District
Dindigul

2. The Deputy Superintendent of Police
Vedasandhur
Dindigul District

3. The Inspector of Police
Eriyodu Police Station
Dindigul District

4. Sangeetha

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 2 and 3 to provide the police protection to the petitioner and her family members based on the representation dated 21.08.2019.

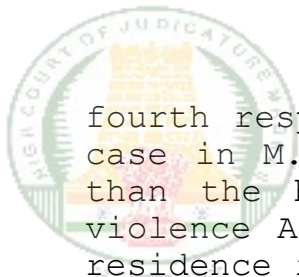
For Petitioner : Mr.J.Sivaram

For Respondents : Mr.K.Suyambulinga Bharathi
No.1 to 3 Government Advocate(Crl.Side)

ORDER

This petition has been filed seeking direction to direct the respondents 2 and 3 to provide the police protection to the petitioner and her family members based on the representation dated 21.08.2019.

<https://hcservices.courts.gov.in/hcservices/> It is seen that the petitioner is the sister-in-law of the



fourth respondent herein . The fourth respondent filed maintenance case in M.C.No.4 of 2009 as against her husband who is none other than the brother of the petitioner herein. In the said domestic violence Act petition, the fourth respondent was granted right of residence in the husband's house and immediately the husband of the fourth petitioner settled his house and entire property in favour of the petitioner by way of settlement deed and the same has been registered in vide document No.1079/2007 on 09.07.2007. Thereafter the fourth respondent denied her right of residence by her husband since the entire property settled in favour of the petitioner herein. The petitioner also filed suit in O.S.No. 328 of 2008 against the fourth respondent still now the suit is pending. Though injunction was granted in favour of the petitioner against the four respondent, the fourth respondent and her brother are trying to do away the petitioner and her family members. Therefore, he sought for police protection from the third respondent herein. Admittedly the petitioner already approached civil court in O.S.No. 328 of 2008 and it is still pending. That apart the petitioner already filed petition for direction petition to set aside the order passed in M.C.No.04 of 2009 dated 19.03.2019. In the said petition, this Court observed as follows:

"6. It is an admitted fact that originally the property stood in the name of the husband of the first respondent. After family dispute the entire property was settled by way of sale deed in favour of the petitioner. The order passed by the learned District Munsif cum Judicial Magistrate Court, Vedsanthur to as an interim measure to allow the respondents to reside in the petitioners house which was shared by the family members of the petitioner. If the said order is set aside, the first respondent and her minor son would face irreparable loss and hardship. Therefore, I am not inclined to interfere with the order passed by the learned District Munsif cum Judicial Magistrate Court, Vedsandhur in unnumbered M.P. in M.C.No. 4 of 2009 dated 19.03.2009. However, it is open to the petitioner to approach the lower court, where the maintenance case is pending and agitate the matter before it. Accordingly, this Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is closed".

3. Considering the above facts and circumstances of the case, police protection cannot be granted now as sought for by the petitioner. However, the petitioner is at liberty to approach the concerned civil court seeking necessary police protection on the strength of the interim order passed in favour of the petitioner herein.



4. With the above observations and direction, the Criminal Original Petition stands disposed off.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police
Dindigul District
Dindigul
2. The Deputy Superintendent of Police
Vedasandhur
Dindigul District
3. The Inspector of Police
Eriyodu Police Station
Dindigul District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court

+1 CC to M/s.J.SIVARAM, Advocate (SR-87072[F] dated 17/09/2019)

CrI.O.P. (MD) No.12889 of 2019
17.09.2019

JMN(27.09.2019) 3P : 6C