

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.15706 & 15709 of 2015

S.Vasanthi ... Petitioner in both cases
Vs.

1. The State rep. by,
The Inspector of Police,
T-1 Ambattur Police Station,
Ambattur,
Chennai-600 053. ... Respondent in both cases

2. E.Anandan ... 2nd Respondent
in Crl.O.P.No.15706 of 2015

[Impleaded the 2nd respondent as per
order of this Court dated 25.04.2017
in Crl.M.P.No.1 of 2015 in
Crl.O.P.No.15706 of 2015.]

PRAYER in Crl.O.P.No.15706 of 2015: Criminal Original Petition
is filed under Section 482 of the Code of Criminal Procedure, to
direct the respondent/police herein i.e., the Inspector or
Police T1 Ambattur Police Station, Ambattur, Chennai-600 053 to
provide the police protection for the petitioner and her land
property situated at Plot No.7, Patel Street,
Vijayalakshmipuram, Oragadam Village, Ambattur Taluk,
Thiruvallur District, comprised in old Survey No.15/2, New
Survey No.180/3, measuring 1176 sq.ft pertaining to the
petitioner's complaint dated 05.06.2014 in accordance with law.

PRAYER in Crl.O.P.No.15709 of 2015: Criminal Original Petition
is filed under Section 482 of the Code of Criminal Procedure, to
direct the respondent/police herein i.e., the Inspector of
Police T1 Ambattur Police Station, Ambattur, Chennai-600 053 to
register the case pertaining to the petitioner's complaint dated
05.06.2014 in accordance with law.

For Petitioner : Mr.B.Ganesha Moorthy

For 1st respondent
in Crl.O.P.No.15706 of 2015
and respondent in
Crl.O.P.No.15709 of 2015 : Mr.C.Iyyappa Raj, APP

For 2nd respondent
in Crl.O.P.No.15706 of 2015 : Mr.M.A.R.Pragash

COMMON ORDER

Crl.O.P.No.15706 of 2015 is filed, to direct the respondent police, to provide the police protection for the petitioner and her land property situated at Plot No.7, Patel Street, Vijayalakshmipuram, Oragadam Village, Ambattur Taluk, Thiruvallur District, comprised in old Survey No.15/2, New Survey No.180/3, measuring 1176 sq.ft pertaining to the petitioner's complaint dated 05.06.2014.

2.Crl.O.P.No.15709 of 2015 is filed, to direct the respondent police, to register a case pertaining to the petitioner's complaint dated 05.06.2014.

3.In continuation and conjunction with the earlier order passed by this Court dated 14.07.2020, today the learned counsel for the 2nd respondent present.

4.The learned counsel for the petitioner submitted that the petitioner has filed a suit in O.S.No.177 of 2003 and obtained interim injunction against the 2nd respondent in I.A.No.853 of 2003 in O.S.No.177 of 2003, thereafter, the interim injunction was made absolute and the petitioner was enjoying the injunction. The suit in O.S.No.177 of 2003 came to be dismissed by the learned District Munsif, Ambattur.

5.The learned counsel for the 2nd respondent submitted that the 2nd respondent is the brother of the petitioner. Against the dismissal of the suit, the petitioner, has not filed any appeal, as such the finding of the civil suit is binding and final. Hence, the petitioner cannot seek police protection based on the complaint dated 05.06.2014, which is in violation of the order of the civil Court.

6.It is seen that the suit filed by the petitioner in O.S.No.177 of 2003 came to be dismissed, against which, the petitioner, has not preferred any appeal, as such the finding of the civil Court becomes final. Hence, the prayer sought for by the petitioner, cannot be entertained. The petitions are, accordingly, dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

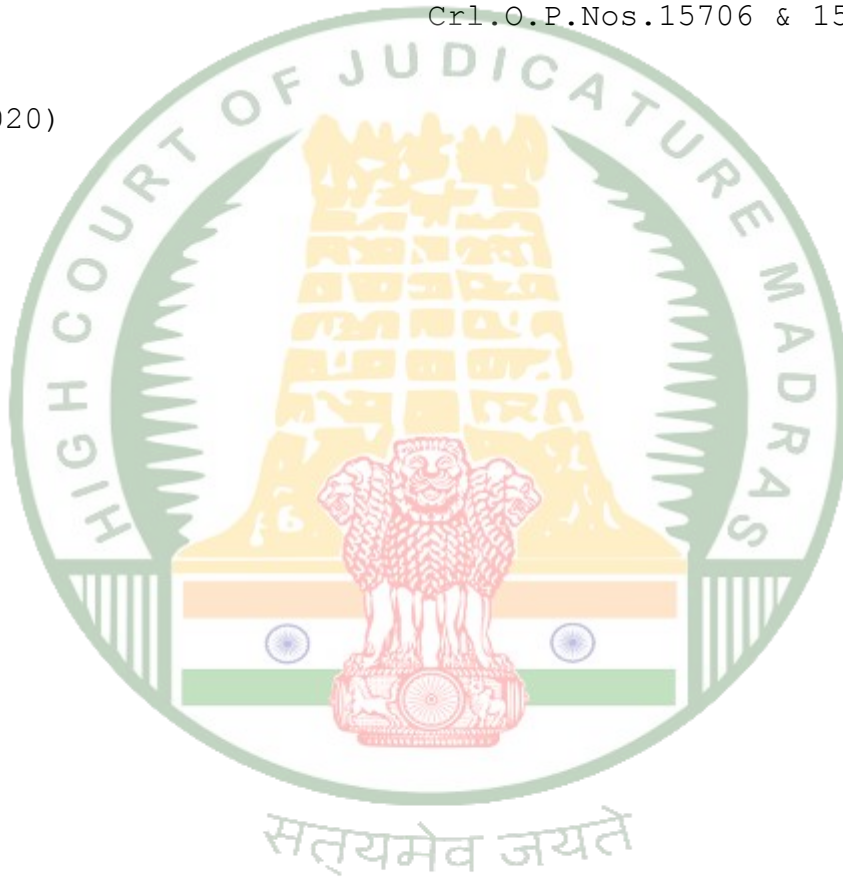
1. The Inspector of Police,
T-1 Ambattur Police Station,
Ambattur,
Chennai-600 053.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.A.R.Pragash, Advocate in SR.25657

CrI.O.P.Nos.15706 & 15709 of 2015

pa(co)
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