

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.2068 of 2020

Gomathi

.. Petitioner

-vs-

1. The Deputy Superintendent of Police,
Omalur, Salem District.

2. The Inspector of Police,
Omalur Police Station,
Salem District.

3.Madhammal

4.Navaneethakrishnan

5.Tamilarasi

6.Kalaiyarasi

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass an order of direction, direct the 2nd respondent to provide police protection to the petitioners based on the complaint dated 07.01.2020 in respect of the property plot no.8 comprised in Survey No.78/1B situate at Kottaimettupatty Village, Omalur Taluk, Salem District to an extent of 650 sq.ft forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor
for R1 & R2

ORDER

This petition has been filed to direct the second respondent to provide police protection to the petitioners and their property situated in Plot No.8 in Survey No.78/1B at Kottaimettupatty Village, Omalur Taluk, Salem District to an extent of 650 sq.ft.

2. The learned counsel for the petitioner has submitted that by virtue of the sale deed dated 09.12.2009, the petitioner is the absolute owner of the aforesaid property and since the 3rd

respondent attempted to dispose the petitioner, she filed a suit in OS.No.234 of 2017 on the file of the District Munsif Court, Omalur, Salem District, for the relief of permanent injunction and obtained a decree dated 22.02.2018 and even thereafter the 3rd respondent and other family members (Respondents 4 to 6) are not allowing the petitioner to enjoy the property peacefully. Hence, the petitioner lodged a complaint to the second respondent police seeking to provide police protection to her properties, but the second respondent has not taken any action on the said complaint and hence he prayed to direct the second respondent to give police protection.

3. The learned Additional Public Prosecutor has submitted that since the petitioner has obtained a decree before the Civil Court she can very well file execution petition and get remedy before the Civil Court itself.

4. Admittedly, the petitioner has obtained a decree for permanent injunction against the 3rd respondent herein and her men, etc in OS.No.234 of 2019 on the file of District Munsif Court, Omalur, Salem District on 22.02.2018. So, she has to execute the said decree by invoking Order XXI Rule 32 of C.P.C. before the same Court and if she finds any difficulty in enforcing the said decree, she can very well file application under Section 151 of C.P.C. before the same Court to provide police protection for enforcing the said decree. Instead of that, she cannot approach this Court.

5. With the aforesaid observations, this petition is dismissed.

s/d-
Assistant Registrar(CO)

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Sub-Assistant Registrar

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To

1.The District Munsif
Omalur, Salem District

2.The Deputy Superintendent of Police,
Omalur, Salem District.

3.The Inspector of Police,
Omalur Police Station,
Salem District.

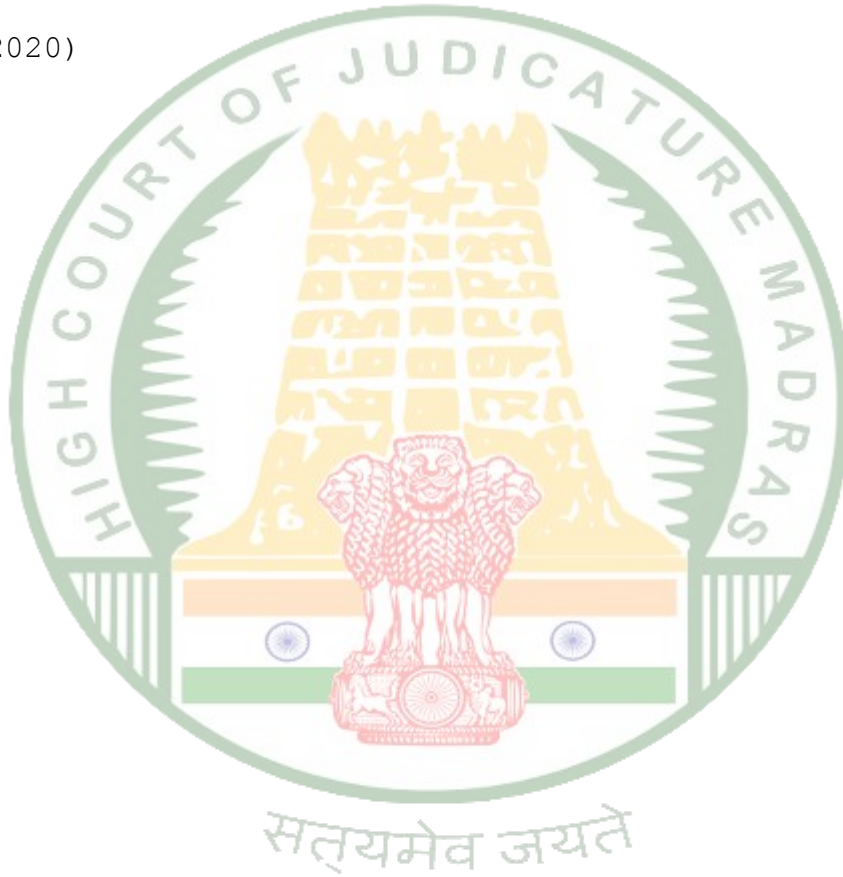
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4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.C.Prabakaran, Advocate sr 8337.

CRL.O.P.No.2068 of 2020

KK (CO)
SP (13/03/2020)



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