

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 5289 of 2020

1.Jesurathinam

2.S.Marry Grace ... Petitioners

Vs

1.The Commissioner of Police
Greater Chennai, Vepperi,
Chennai-600 007.

2.The Inspector of Police,
S-1, Alandur Police Station,
Chennai-600 016.

3.K.Sekar

4.Purushothman ... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent police herein to protect the petitioners life and liberty and safeguard of the property situated at door No.1/2, South Raja Street, St. Thomas Mount, Alandur Taluk in Old S.No.1406, TS No.11, Ward No.H, Block No:1, to the extent of 600 Sqft, House and land, against the respondent No: 3 and 4, not to criminal trespass to the property, based upon the petitioner's complaint dated 26.12.2019.

For Petitioner :Mr.B.Gandhi

For Respondents

For R1 and R2 :Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

This petition has been filed seeking for police protection to the petitioners life and liberty and to safeguard the property situated at door No.1/2, South Raja

Street, St. Thomas Mount, Alandur Taluk in Old S.No.1406, TS No.11, Ward No.H, Block No:1, to the extent of 600 Sqft, House and land, against the respondent No: 3 and 4, based upon the petitioner's complaint dated 26.12.2019.

2. It is seen from records that the petitioner's grandmother namely Mrs.Balaammal, permitted the petitioners parents in the year 1965 to reside along with the said Mrs.Balaammal, and handed over the custody of the above said property to maintain the property and also to look after the said Mrs.Balaammal. After the death of Mrs.Balaammal and the petitioners' parents, the petitioner is enjoying the property with the permission of Mrs. Balaammal. Thereafter, the respondents 3 and 4, who are third parties and do not have any right on the above stated property involved in illegal trespassing into the said property and tried to grab the petitioners' property. Hence, the petitioners seek police protection.

3.The learned counsel for the petitioners submitted that the first petitioner's wife, namely Mrs.Bernath, lodged the complaint before the second respondent against the respondents 3 and 4 herein. But, the second respondent has taken no action against the respondents 3 and 4. Thereafter the petitioners' approached the first respondent and gave a complaint. He further submitted that in the year 2000, the third respondent along with other accused attacked the petitioners family and tried to grab the property. Therefore the petitioners's father gave a complaint and the same was registered in Crime No.395 of 2000 for the offence under Sections 147, 148, 427, 506(2) of IPC. After filing complaint, the third respondent has not interfered with the petitioners peaceful possession and enjoyment of the property. Now the third respondent and fourth respondent are continuously trespassing into the property and are causing threat to the petitioners. Therefore, the petitioners gave a complaint to the respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4.Heard Mr.B.Gandhi, learned Counsel for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent police.

5.In view of the above facts and circumstances of this case, this Criminal Original Petition cannot be ordered. However, the second respondent is directed to register the FIR and investigate the matter and thereafter pass an order in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

6.With the above direction, the Criminal Original
Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmm

To

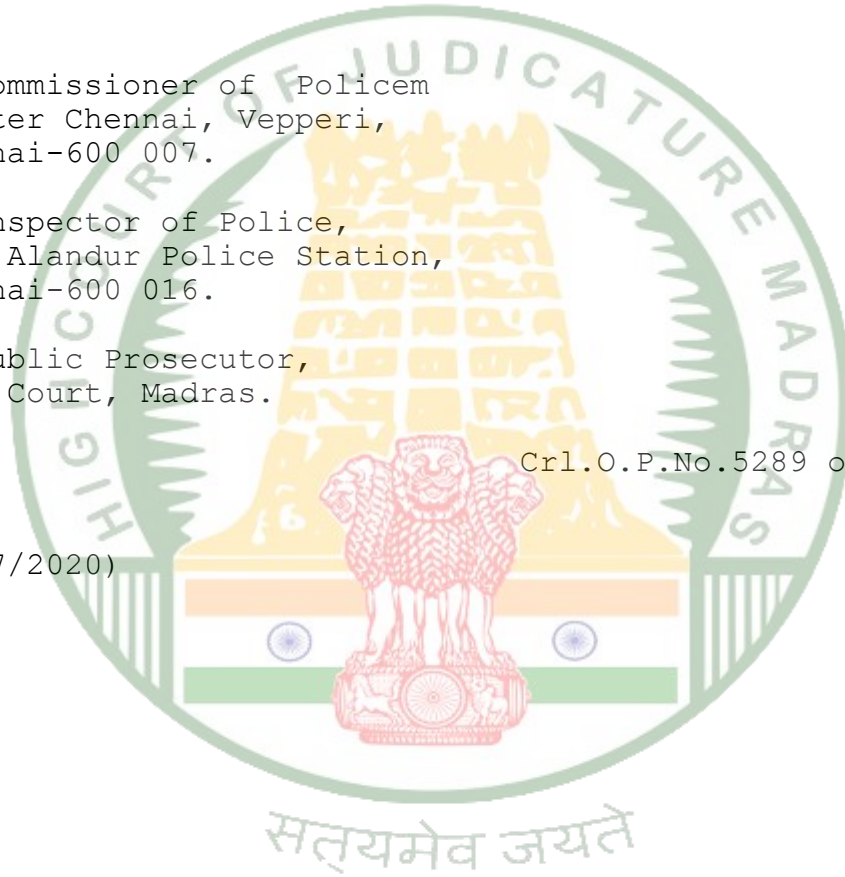
1.The Commissioner of Policem
Greater Chennai, Vepperi,
Chennai-600 007.

2.The Inspector of Police,
S-1, Alandur Police Station,
Chennai-600 016.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5289 of 2020

MR(CO)
CB(28/07/2020)



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