

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9875 of 2020

T.Shanthi,F/A 46 Yrs,
W/o Thangavelu
No.1/5, Kammavar Street,
Perumal Rajpettai, Mittai Post,
Arakkonam Taluk, Ranipet District. ... Petitioner

Vs.

1. The State rep by
The Superintendent of Police,
Ranipet District.
2. The Deputy Superintendent of Police,
Arakkonam Range,
Ranipet District.
- 3.The Inspector of Police,
Arakkonam Village Police Station,
Ranipet District.
- 4.M.Narasimman
S/o Munusamy
Perumal Koil Street,
Perumal Rajpettai, Mittai Post,
Arakkonam Taluk, Ranipet District. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent police to provide suitable Police Protection to the petitioner based on the complaint/representation dated 10.06.2020 to the 3rd respondent and subsequent complaint/representation dated 25.06.2020 to the 1st respondent.

For Petitioner : Mr.N.S.Amarnath

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
For R1 to R3.

ORDER

This Criminal Original Petition has been filed to direct the respondents police to give police protection the petitioner based on the complaint/representation dated 10.06.2020 to the 3rd respondent and subsequent complaint/representation dated 25.06.2020 to the 1st respondent.

2. It is seen that one M.Narasimman, had filed a Suit for Specific Performance against one V.Elumalai/Petitioner's brother, in O.S.No.511 of 2014 before the learned Subordinate Judge at Arakkonam, on the strength of an alleged unregistered Sale Agreement dated 05.03.2005, which was dismissed on 27.07.2015. Again the respondent NO.4 herein, had filed an appeal against the dismissed suit in A.S.No.22 of 2016 before the learned Additional District Judge at Ranipet, then Vellore district, which was also dismissed on merits on 30.01.2020. In these circumstances, the petitioners brother transferred the said lands comprising 4.06 acres to the petitioner by way of a Registered Settlement Deed dated 01.06.2020 vide Doc.No.1306/2020 on the file of the Joint I Sub Registrar at Arakkonam and the petitioner had also applied for patta in her name and Patta No.4109 was issued in the petitioner's name. In these circumstances, that time, the counter parties quarreled with the petitioner threatening with dire consequences for becoming the owner of the lands. Therefore, she lodged complaints and seeking police protection.

3. In this regard the learned counsel appearing for the petitioner relied upon the judgment reported in 2014-2-L.W.927 in the case of Radhika Sri Hari & another Vs. The Commissioner of Police, Coimbatore, which reads as follows :-

"6. The reliance placed on decision referred to by the learned counsel for contesting respondents is misplaced. While it is true that pending civil proceedings, this court would not interfere in exercise of jurisdiction under Section 482 Cr.P.C, the instant is a case, wherein the right of the petitioners to property stand crystallised under order in S.A.No.855 of 1977. Pursuant to subsequent proceedings in W.P.No.7356 of 2012, the property of the petitioners came to be demarcated under proceedings of the appellate authorities viz Town Sub Inspector of Survey, Coimbatore East. Such official act has been challenged by way of contempt proceedings and the same stand dismissed. It is not the contention of learned counsel for contesting

respondents that pursuant to the order in Cont.P.No.1444 of 2012, they have not moved any civil forum. However, he would submit that contesting respondents are poor people pitted against the affluent persons in whose aid the police agency also is working.

7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

8. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner."

This Court held that when there is a civil Court decree, the police should give protection to implement the same. The police should not insist on a specific Court direction to give protection. He further submitted that the petitioner's brother also obtained Decree of Civil Courts in his favour. Hence he prays for allowing this petition.

4. Considering the above facts and circumstances of the case, the 3rd respondent is directed to conduct an enquiry based on the complaint lodged by the petitioner after issuing notice to the 4th respondent and also giving opportunity of hearing to the 4th respondent and pass orders in accordance with law.

5. With the above direction, this criminal petition is disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs
To

1. The State rep by
The Superintendent of Police,
Ranipet District.
2. The Deputy Superintendent of Police,
Arakkonam Range,
Ranipet District.
3. The Inspector of Police,
Arakkonam Village Police Station,
Ranipet District.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

सत्यमेव जयते

CRL.O.P.No.9875 of 2020

PP (CO)
RMP (23/07/2020)

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