

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15126 of 2020

Mr.A.Ganesan, 56 years,
S/o.Ammasi,
No.1/109, Mettu Street,
Perumbakkam,
Chennai - 600 100.

... Petitioner

Vs

1.The Deputy Commissioner of Police,
Adyar Zone,
Adyar, Chennai - 600 020.

2.The Inspector of Police,
Thoraipakkam Police Station,
Thoraipakkam,
Chennai - 600 097.

3.Padmini,
D/o.Saminathan,
Plot No.144, Door No.1/447,
1st Floor, 5th Cross Street,
Sai Nagar, Okkiam Thoraipakkam,
Chennai - 600 097.

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent, The Inspector of Police, Thoraipakkam Police Station, Thoraipakkam, Chennai - 600 097 to give police protection to the petitioner and her representatives either at the time of fencing the property to protect and safe guard the property from the 3rd respondent and her representatives.

For Petitioner : Mr.T.Ramachandran

For Respondents

For R1 & R2: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed for direction directing the 2nd respondent to provide adequate police protection to the petitioner for fencing his property.

2.The learned counsel appearing for the petitioner submitted that the petitioner and the 3rd respondent are husband and wife. After their marriage, they purchased the subject property jointly vide registered sale deed Document No.151 of 1992. Thereafter, due to mis-understanding between them, they got separated. While being so, the petitioner wanted to divide the property and filed a suit for partition in O.S.No.165 of 2010 on the file of the Sub-Court, Tambaram. By the preliminary decree dated 20.12.2016, the Advocate Commissioner was appointed to divide the property into two equal shares. Accordingly, the Advocate Commissioner visited the property and it was measured by meets and bounds by dividing into two equal shares. Thereafter, the petitioner entered into a sale agreement with one Tulasi and the same was registered as Document No.1657 of 2020 dated 27.02.2020. When the petitioner entered into the property for fencing the same, the 3rd respondent objected the same and also created problem. Hence, the petitioner sought for police protection by his complaint dated 09.09.2020 on the file of the respondents 1 and 2.

3.The learned Additional Public Prosecutor submitted that the petitioner and the 3rd respondent are husband and wife. Both purchased the property jointly. Thereafter they got separated, now, dispute between the petitioner and the 3rd respondent herein. The complaint lodged by the petitioner is pending for enquiry.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

5.Considering the above submission made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor, the 2nd respondent is directed to conduct enquiry on the complaint lodged by the petitioner dated 09.09.2020 after issuance of notice to the 3rd respondent and pass orders on merits in accordance with law within the period of six weeks from the date of receipt of copy of this order. The petitioner is also directed to produce all the Civil Court proceedings before the 2nd respondent.

6.In view of the above, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Commissioner of Police,
Adyar Zone,
Adyar, Chennai - 600 020.
- 2.The Inspector of Police,
Thoraipakkam Police Station,
Thoraipakkam,
Chennai - 600 097.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.15126 of 2020

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srg 16/10/2020