

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.15104 of 2020

Palaniammal, F/55 years,
W/o.Murugan,
Girivasagan College Near
Manipur via
Pachanampatti,
Kadathur,
Dharmapuri District.

... Petitioner

Vs

1.The State represented by
The Superintendent of Police,
Dharmapuri District.

2.The Inspector of Police,
Dharmapuri (B1) Police Station,
Dharmapuri District.

3.Sivakumar, M/45 years,
S/o.Kunjai @ Girivasagan College Near
Manipur via
Pachanampatti, Kadathur,
Dharmapuri District.

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to conduct an enquiry and provide police protection to the petitioner for fencing her property in S.No.626/B, measuring an extent of punjai Acre 2.50 including well, Kadakathur Village, Dharmapuri Taluk and Dharmapuri District in view of the petitioner's complaint dated 14.09.2020.

For Petitioner :Mr.V.Sakkarapani

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 her property comprised in S.No.626/B, measuring an extent of punjai acre 2.50 cents at Kadagathur Village, Dharmapuri Taluk, Dharmapuri District by considering the representation of the petitioner herein dated 14.09.2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner is an absolute owner of the said property and while that being so, the 3rd respondent intervened the peaceful possession and enjoyment of the property and as such, the petitioner was constrained to file a suit for declaration and injunction in O.S.No.93 of 2015 and the same was decreed in her favour. Aggrieved by the same, the 3rd respondent also filed an appeal suit in A.S.No.42 of 2018 and the same was also ended in favour of the petitioner herein. Even then, the 3rd respondent causing disturbance to the petitioner peaceful possession and enjoyment of the property and also obstructing the petitioner from arranging any fencing in and around the said property. Therefore, the petitioner lodged a complaint on the file of the 2nd respondent dated 14.09.2020 seeking adequate police protection to her.

3.The learned Additional Public Prosecutor submitted that there is a civil dispute between the petitioner and the 3rd respondent. Though, the petitioner obtained decree in her favour only on 13.01.2020, it is not known whether the 3rd respondent filed any appeal or not.

4.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 an enquiry on the complaint lodged by the petitioner dated 14.09.2020 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.

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

Sd/-
Assistant Registrar(CS V)

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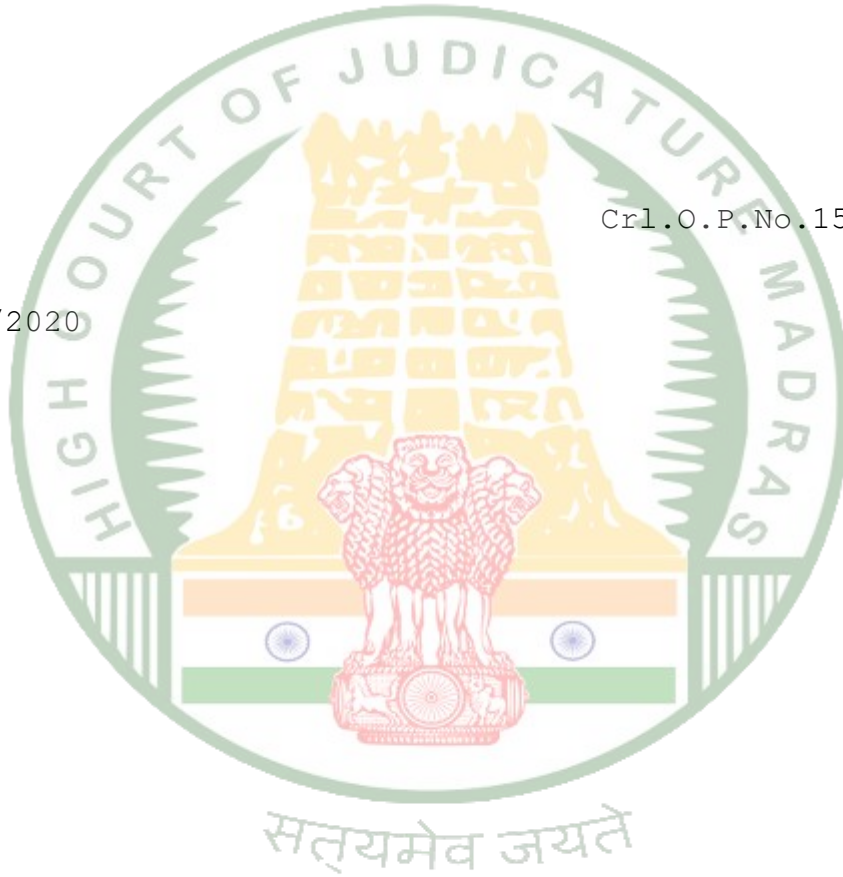
Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Dharmapuri District.
- 2.The Inspector of Police,
Dharmapuri (B1) Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.15104 of 2020

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srg 21/10/2020



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