

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Crl.O.P.No.19318 of 2020

Santhi,
W/o, Mahadevan,
No.29, Udayaarthu,
Earipudur,
Vazhapadi Tk,
Salem District.

...Petitioner

-Vs-

1. The Commissioner of Police,
Salem Corporation,
Salem District.

2. The Inspector of Police,
Ammappettai PS,
Salem District.

3. Manikandan,
S/o, Muthaiyan,
D/No:5-159B,
Ayothiappattinam,
Machinayakkanpatty Anna Nager,
Valapatty Taluk,
Salem District 636 103.

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to pass an appropriate order or direction directing the respondents to give protection to the petitioner and his family members' life and to the properties by considering the representations of the petitioner dated 28.11.2020.

For Petitioner : Mr.G.Munuraj

For R1 & R2 : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been laid by the petitioner seeking for a direction to the respondents to grant police protection with reference to the properties purchased under the sale deeds dated 25.06.2020.

2. According to the petitioner, the sale deeds dated 25.06.2020 stand in the name of the petitioner's husband and the petitioner. Further, according to the petitioner, she and her husband purchased the properties under the abovesaid sale deeds from one Manikandan and pursuant to the sale transactions, she and her husband are in the possession and enjoyment of the purchased properties. However, according to the petitioner, without any basis and right, Manikandan and his henchmen are continuously attempting to prevent the petitioner and her husband from entering into the properties purchased by them under the abovesaid sale deeds and hence according to the petitioner, she has been necessitated to prefer the representation to the respondent police dated 28.11.2020 to provide police protection and since the same had not been considered, she has been necessitated to prefer the Criminal Original Petition.

3. As averred in the Criminal Original Petition, the petitioner and her husband claim title to the property in dispute under the sale deeds dated 25.06.2020. It is the case of the petitioner that their vendor Manikandan himself is attempting to interfere with their possession and enjoyment of the property in dispute. In such view of the matter, when the petitioner's vendor himself is not admitting the title of the petitioner and her husband to the property in dispute, the petitioner and her husband have to get their right declared/affirmed qua the property in dispute, by preferring the necessary civil action in a court of law. Without their right being declared or affirmed by the Civil Court qua the property in dispute, it would not be proper to direct the intervention of the police, as the same would only create unnecessary problems and further the police would also not be competent to decide the civil issues.

4. In the light of the abovesaid position, in my considered opinion, at this stage, without the petitioner and her husband getting their right declared/affirmed to the property in dispute by a competent civil forum, this Court is not inclined to invoke the jurisdiction under section 482 Crpc, directing the intervention of the police to settle the property issues.

5. Resultantly, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

Mfa

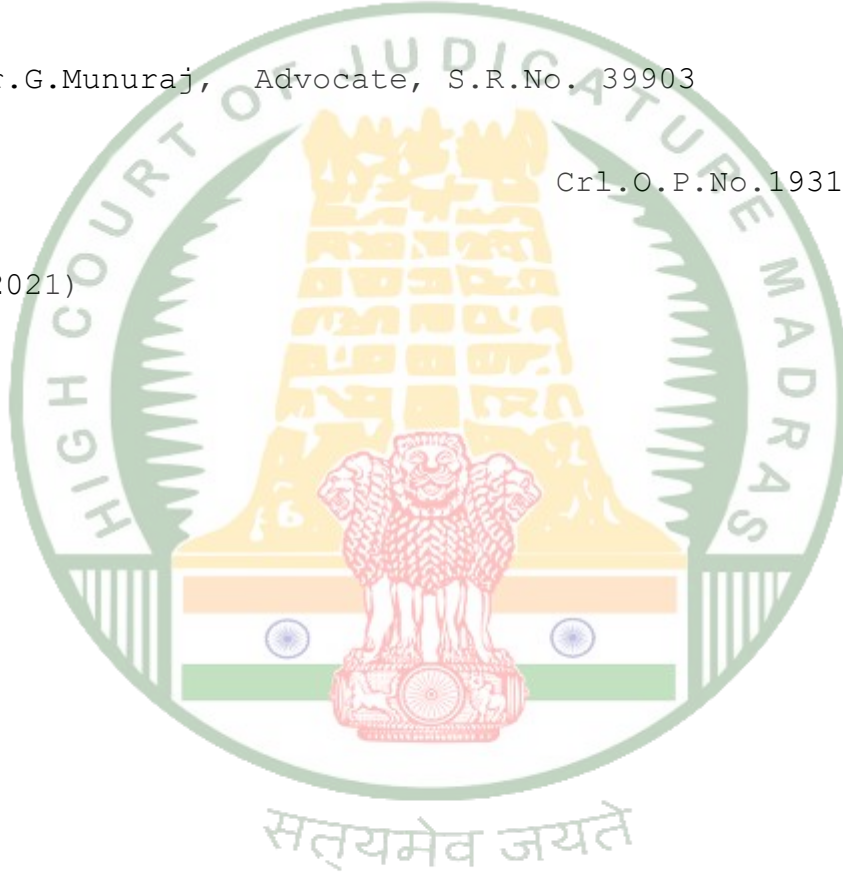
To

1. The Commissioner of Police,
Salem Corporation,
Salem District.
2. The Inspector of Police,
Ammapettai PS,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Munuraj, Advocate, S.R.No. 39903

Cr1.O.P.No.19318 of 2020

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