

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.27018 of 2019

Meenakshi

...Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by the Superintendent of Police,
Villupuram, Villupuram District.
2. The Inspector of Police,
Valavanur, Villupuram Taluk,
Villupuram District.
3. Rajendran
4. Thatchayani
5. Harikrishnan
6. Vijayakumar
7. Rajkumar
8. Muthulakshmi
9. Priya
10. Mahavidya

.. Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent to give police protection to the petitioner at her residential address viz., Old No.3/48, New No.3/73, Therodum West Street, Kolianur village - 605 103, Villupuram Taluk, Villupuram District.

For Petitioner : Mr.S.Arunkumar

For RR1 & R2 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to give police protection to the petitioner at her residential address viz., Old No.3/48, New No.3/73, Therodum West Street, Kolianur village - 605 103, Villupuram Taluk, Villupuram District.

2. The learned counsel for the petitioner has submitted that the petitioner is a widow aged about 75 years. He further submitted that the petitioner owns a house property with vacant

land measuring about 1336 1/2 sq ft. He further submitted that the aforesaid property was given to the petitioner by her mother. The petitioner and her sister had partitioned the said property and the petitioner is in exclusive possession of the aforesaid property and she being old, one Jayaraman who is the son of petitioner's sister threatened the petitioner with a view to grab the said property and hence the petitioner lodged complaints before the second respondent on 18.03.2017, 25.05.2017, 07.09.2018 and 01.04.2019. But, so far the second respondent has not taken any steps on the said complaints and therefore he prayed to direct the second respondent to provide police protection to the petitioner at her aforesaid residential address.

3. Per contra, the learned Additional Public Prosecutor has submitted that in the complaint itself, the petitioner has admitted that already her sister's son Jayaraman had occupied the said property on 13.11.2014 and subsequently he filed a suit against the petitioner in O.S.No.166 of 2018 before the District Munsif, Villupuram and taking into consideration of the said facts, the petitioner's complaints were closed on 09.05.2018.

4. The learned counsel for the petitioner by way of reply submitted that the second respondent without examining the petitioner, has closed the said complaint and therefore he requests to direct the second respondent to provide police protection to the petitioner.

5. In the complaint dated 01.04.2019, the petitioner has admitted that when she was at Chennai, her sister's son Jayaraman had occupied her house on 13.11.2014 itself. Further, she has stated that the said Jayaraman had filed a suit in O.S.NO.166 of 2018 on the file of the Additional District Munsif, Villupuram. So, it is clear that the petitioner is not in possession of the property and in such a case, she has to file a suit for recovery of possession before the concerned court and instead of that she cannot lodged a complaint seeking police protection. Further, the second respondent has also closed the petitioner's complaint on 09.05.2018.

6. Taking into consideration of the aforesaid facts, this Court does not find any merit in this Criminal Original Petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS.VIII)

/True Copy/

Sub Assistant Registrar

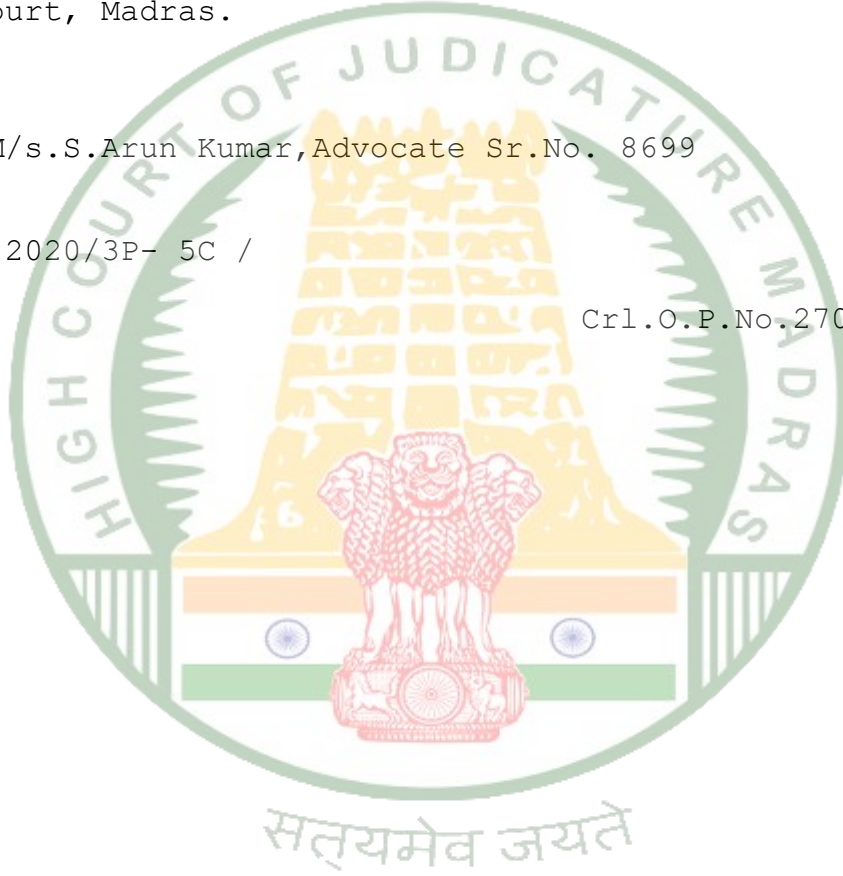
To

1. The Superintendent of Police,
Villupuram,
Villupuram District.
2. The Inspector of Police,
Valavanur,
Villupuram Taluk,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.S.Arun Kumar, Advocate Sr.No. 8699

AKM/16.03.2020/3P- 5C /

Cr1.O.P.No.27018 of 2019



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