



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**
Crl.O.P.[MD]No.7537 of 2020

A.Jeyalakshmi

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Ulagampattai Police Station,
Sigamumarai Taluk,
Sivagangai District.

3.Muthulakshmi

4.Mahadevi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent the Inspector of Police, Ulagampatti Police Station, Sigamumarai Taluk, Sivagangai District, to give necessary police protection to the life of the petitioner and his associates as and when required by the petitioner on the basis of his representation dated 03.06.2020.

For Petitioner	: Mr.K.G.Arunkumar
For R1 and R2	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

The petition has been filed to direct the respondents 1 and 2 to give police protection to the life and limb of the petitioner and his family members.

2.Today, when the petition came up for hearing, the learned counsel appearing for the petitioner would submit that ordinarily, the petitioner was residing in Andaman. Now, the petitioner came to India for completing his husband's final rites. In this regard, the third and fourth respondents who are the half sisters of the petitioner, refused to enter the petitioner in the house, in which, the petitioner's husband was resided earlier. Therefore, it is necessary to give subsequent protection to the life and limb of the petitioner.



3.The learned Additional Public Prosecutor, would submit that, in earlier, based on the complaint given by the petitioner, two enquires are initiated. One in reference No.91/SPOT/CAM/2020 and another in reference No.38/XCO/XIPC/CAM/2020. He would further submit that during the time of enquiry, it was decided as both have to approach the civil Court for establishing her right created in the Will which executed by her father. The learned Additional Public Prosecutor further submit that the petitioner is now attempted to enter into the house in which the third and fourth respondent are residing. Therefore, if the prayer sought for by the petitioner is granted in her favour, it will affect the right of the respondents 3 and 4. According to him, the petitioner has to enter into the disputed house only on due process of law.

4.Upon considering the arguments advanced by either side, it is not in dispute that as on date, the disputed property is in the possession of R3 and R4. Further, the petitioner and the respondents 3 and 4 are related with each other and also the respondents 3 and 4 are claiming the right over disputed property under the Will dated 27.01.2014 alleged to be executed by her father.

5.Accordingly, since the possession of the disputed property is in the hands of the respondents 3 and 4, giving protection to the petitioner for the purpose of entering into the disputed house, may create further complications between the petitioner and respondents. Accordingly, this Court is not inclined to allow this petition. This Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Ulagampattai Police Station,
Sigamumarai Taluk,
Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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