



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.12363 of 2020

Chellammal

... Petitioner

Vs.

1.The Superintendent of Police
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police
Pathamada Police Station
Tirunelveli District.

3.The Sub Inspector of Police
Pathamada Police Station
Tirunelveli District.

4.Thenmozhi Rajeshwari

5.Mugili Rajeshwari

6.Balamurali

7.Lakshmanan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 2 and 3 to provide adequate police protection to the life and limb of the petitioner and her family members on the basis of the petitioner's complaint dated 22.08.2020 and 31.08.2020.

For Petitioner : Mr.P.R.Prithviraj

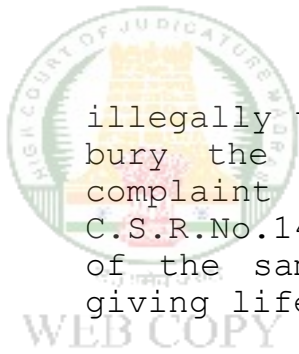
For Respondents 1 to 3 : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents 2 and 3 to provide adequate police protection to the life and limb of the petitioner and her family members on the basis of the petitioner's complaint dated 22.08.2020 and 31.08.2020.

2.The learned counsel appearing for the petitioner would submit that the matter relates to civil dispute and Civil suit in O.S.No.20 of 1998 was filed for Permanent Injunction and the same was decreed in favour of the petitioner. O.S.No.33 of 2017 was filed for partition is pending as on date. Till now they have not preferred any appeal. On 22.08.2020, the respondents 4 to 7



illegally trespassed into the petitioner's property and attempted to bury the body of Gomathiammal. Hence, the petitioner made a complaint before the third respondent police and complaint in C.S.R.No.140 of 2020 dated 27.08.2020 is pending. Taking advantage of the same, the respondents 4 to 7 with the help of henchmen, giving life threat to the petitioner. Hence, the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, submitted that based on the representation, petition enquiry has been conducted in CSR No.140 of 2020 and the same was closed

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3 .

5.The learned counsel for the petitioner would submit that the civil court decree was ended in his favour and the respondents 4 to 7 have not preferred any appeal and hence, it would suffice to consider my representation in the light of the judgment reported in 2014 (2) CTC 695 in the case of Radhika Sri Hari and another Vs. The Commissioner of Police, Coimbatore and others.

6. Considering the submission made by the learned counsel on either side, the respondents 1 to 3 are directed to consider the petitioner's representation dated 31.08.2020, based on the judgment reported in 2014 (2) CTC 695 in the case of Radhika Sri Hari and another Vs. The Commissioner of Police, Coimbatore and others, within a period of three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner. In the mean time, it is always open to the respondents 4 to 7 to proceed with filing of the appeal.

7.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rm

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 /

<https://hcservices.ecourts.gov.in/hcservices/> is to be concerned.



To

1.The Superintendent of Police
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police
Pathamadaai Police Station
Tirunelveli District.

3.The Sub Inspector of Police
Pathamadaai Police Station
Tirunelveli District.

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

Crl.O.P.[MD]No.12363 of 2020

04.11.2020

ARK(CO)

NR (18/11/2020) 3P : 5C