



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13795 of 2020

S.Valarmathi

: Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Othakadai Police Station,
Othakadai,
Madurai District.

3.Maharasi

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to interfere into the civil dispute between the petitioner and the 3rd respondent in respect of the land comprised in Patta No.129, Survey No.97/6 to an extent of 71 cents, situated at Kalikappan 1-Bit, Karuppayurani Panchayat, Madurai District and consequently provide the police protection to the life and limb of the petitioner and her family members based on the representation dated 29.05.2020.

For Petitioner : Mr.D.Senthil Kumar

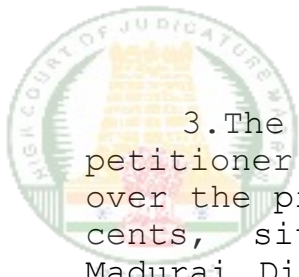
For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor.

ORDER

This petition has been filed to direct the 2nd respondent not to interfere with the civil dispute between the petitioner and the 3rd respondent in respect of the land comprised in Patta No.129, Survey No.97/6 to an extent of 71 cents, situated at Kalikappan 1-Bit, Karuppayurani Panchayat, Madurai District and consequently provide police protection to the life and limb of the petitioner and her family members based on the representation dated 29.05.2020.

2.Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor (Criminal Side) for the respondents.



3.The learned counsel for the petitioner would submit that the petitioner's father namely P.K.Panchatcharam got an absolute right over the property in Patta No.129, Survey No.97/6 to an extent of 71 cents, situated at Kalikappan, 1-Bit, Karuppayurani Panchayat, Madurai District and also he had 4 cents of land in Karuppayurani village, wherein, a temple is located. According to the petitioner, due to the property dispute, a civil litigation between the petitioner's father and the third respondent is pending in S.A.(MD) SR.No.86134 of 2019 along with CMP(MD) SR.No.86135 of 2019. According to the petitioner, interim injunction petition was also pending. While that being so, the 3rd respondent is unnecessarily threatening the petitioner to withdraw the criminal complaint filed against the 3rd respondent. Hence, he made representation to the first respondent on 19.05.2020. Since no action has been taken, the petitioner is before this Court with this Criminal Original Petition.

4.The learned Additional Public Prosecutor, on instructions, would submit that both the petitioner as well as the 3rd respondent made complaint against each other and finding that civil suit was pending, the parties were directed to approach the concerned civil forum for their remedy and accordingly the complaint was closed on 23.08.2020.

5.Considering the facts and circumstances of the case and admittedly, the petitioner has lost before the courts below and filed a second appeal in S.A.SR(MD)No.86134 of 2019 and CMP.SR(MD) No.86135 of 2019, which is pending before this Court, the remedy is only to pursue the above second appeal and therefore the police have rightly closed the complaint of the petitioner. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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,
Madurai District,
Madurai.



2.The Inspector of Police,
Othakadai Police Station,
Othakadai,
Madurai District.

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

+1 CC to Mr.D.SENTHIL KUMAR, Advocate (SR-23816[F]dated
03/12/2020)

Crl.O.P. (MD) No.13795 of 2020
02.12.2020

VB (21.12.2020) 3P 5C