



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.14579 of 2020

Guruvuthai

... Petitioner

Vs

1.The Superintendent of Police
Virudhunagar District,
Virudhunagar.

2.The State rep by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

3.Perumalsamy

4.Murugesan

5.Sethuraman

6.Ramasamy Gounder

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondent Nos. 1 & 2 particularly the 2nd respondent to provide police protection to the petitioner based on the complaint petition dated 05.10.2020 forthwith and to take action against the respondent Nos.3 to 6.

For Petitioner : Mr.B.Jeyakumar

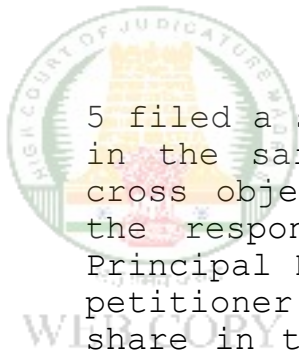
For R1 & R2 : Mr.V.Neelakandan,

Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the the respondent Nos. 1 & 2 particularly the 2nd respondent to provide police protection to the petitioner based on the complaint petition dated 05.10.2020 forthwith and to take action against the respondent Nos.3to 6.

2. The learned counsel for the petitioner would submit that the petitioner is a widow and living in D.No.71A, Seniyakudi Street, Watrap, Virudhunagar District. According to the petitioner, her husband's father and mother namely Sankaranarayanan and Ramuammal purchased a property at Watrap Village,Veeragamudrapuram hamlet, Virudhunagar District in S.No.1092/4 to an extent of 61 cents with 1/3rd share of irrigation rights in the well situated in S.No.1092/1. The father of the respondents 3 to 5 namely Ramachandran purchased the property in S.No.1092/1 to an extent of 1 acres 21 cents with 2/3rd share of irrigation rights in the same Well. During the lifetime of the father of the respondents 3 to 5, he and the 4th respondent sold out their shares to the 6th respondent to an extent of 93 cents. While that being so, the father of the respondents 3 to



5 filed a suit against the petitioner's husband that he had no right in the said irrigation well. The petitioner's husband also filed cross objection in the said suit. The suit filed by the father of the respondent Nos. 3 to 5 in O.S.No.452 of 2000, before the Principal District Munsif, Srivilliputhur was ended in favour of the petitioner's husband on 11.04.2003, that he was entitled to 1/3rd share in the said well. Against the decree passed in O.S.No.452 of 2000, the father of the respondent Nos. 3 to 5 preferred appeal in A.S.No.55 of 2003 before the Principal District Court, Srivilliputhur, wherein, the judgment of the trial court was reversed, against which, the petitioner's husband Rajendran filed Second Appeal in S.A.No.145/2006 and the same was ended in favour of the petitioner's husband and thus the judgment passed in the above second appeal is the final one. Subsequently, after the demise of the petitioner's husband, the respondent Nos.3 to 6 are threatening the petitioner by not even allowing her to enter into the agricultural land. In this regard, the petitioner has given complaint to the second respondent on 31.07.2020, seeking police protection. So far, no action has been taken by them. Hence, this petition.

3.The learned Additional Public Prosecutor(Crl.side) appearing on behalf of the respondents 1 & 2, on instructions, would submit that based on the first complaint given by the petitioner in CSR No.340 of 2020, enquiry was conducted and closed on 31.07.2020. Again the petitioner has preferred a complaint, against which, CSR No.531 of 2020 has been assigned on 09.12.2020 and the enquiry is pending.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to the respondent Nos.3 to 6 is dispensed with.

5. Considering the facts and circumstances of the case, admittedly, S.A.No.145/2006 filed by the petitioner's husband was ended in favour of them and no appeal has been preferred against the same. Further, it is to be noted that the second complaint given by the petitioner seeking police protection is pending with the respondent police. Considering the submissions made by the petitioner's counsel as well as the learned Additional Public Prosecutor and without going into the merits of the case, the respondents 1 & 2 are directed to consider and pass orders on the petitioner's complaint after giving opportunity to the respondent Nos.3 to 6, in the light of the judgment passed in S.A.No. 145 of 2006 and also by following the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** and if it is found that police protection is necessary, the same may be given to the petitioner. The said exercise shall be completed within a period of four weeks from the



date of receipt of a copy of this order.

6. With the above directions, this criminal original petition is disposed of.

WEB COPY

Sd/-

Assistant Registrar (AD II)

// 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
Virudhunagar District,
Virudhunagar.

2. The State rep by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

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

+1 CC to M/s.B.JEYA KUMAR, Advocate (SR-25205[F] dated 11/12/2020)

Crl.O.P(MD)No.14579 of 2020

11.12.2020

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ARK(CO)

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