



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.14651 of 2020

Mrs.Ammapillai

... Petitioner

vs.

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

2.The Deputy Superintendent of Police,
Oomachikulam, Madurai.

3.The Inspector of Police,
Silaimaan Police Station,
Madurai District.

4.Veerapandi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the third respondent herein to provide adequate police protection to the petitioner and her properties comprised in Survey Nos.122/2A, 122/2B situated at Angadimangalam Village, Madurai North Taluk, Madurai District by considering petitioner's representation dated 04.11.2020.

For Petitioner : Mr.J.Lawrance

For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the third respondent herein to provide adequate police protection to the petitioner and her properties comprised in Survey Nos.122/2A, 122/2B situated at Angadimangalam Village, Madurai North Taluk, Madurai District by considering petitioner's representation dated 04.11.2020.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the property comprising in Survey Nos. 122/2A, 122/2B situated at Angadimangalam Village, Madurai North Taluk, Madurai District to an extent of 1 acre 89 cents. The said land has been purchased by the petitioner from one K.Govindarajan, for a valid consideration through a registered

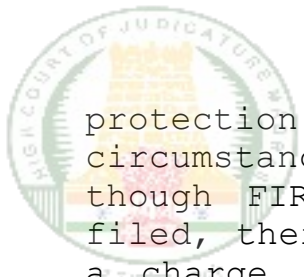


sale deed Document No.97 of 2007 dated 18.01.2007 and all the revenue records stand in the name of the petitioner. In this situation, the 4th respondent and his brothers namely Thangapandi, Duraipandi, Ponnupandi and Chithiraipandi have continuously disturbed the petitioner's peaceful possession. Hence, she filed a Civil Suit in O.S.No.166 of 2015, on the file of the District Munsif Court, Melur and also obtained an interim order of injunction in I.A.No.349 of 2015. Even then, the 4th respondent trespassed into the petitioner's property and cut the acacia trees worth about Rs.10,000/-. Hence, the petitioner made a complaint before the respondent police. A case in Crime No.381 of 2016 was registered against the 4th respondent and others, under Sections 147, 448 and 379 IPC. It seems that no charge sheet has been filed so far. On 07.07.2017, the 4th respondent and his brothers had obtained an order as cultivating tenants of the petitioner's properties from the Tahsildar, Madurai East Taluk, Madurai District, against which, the petitioner has preferred an appeal in Me.Mu.07/2017 before the Revenue Divisional Court to set aside the order passed by the Tahsildar and the same was allowed on 04.10.2018. On 04.09.2020, the 4th respondent again trespassed into the petitioner's property and cut down Rs.1,00,000/- worth acacia trees and taken the same through a lorry bearing Reg.No.TN 39 V 8856, and when the same was questioned by the petitioner, the 4th respondent has physically assaulted the petitioner and her husband threatened them with dire consequences. Hence, the petitioner made a complaint on 04.11.2020 to the 1st respondent, 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 to 3, on instructions, would submit that the complaint of the petitioner has been received by the respondent police and CSR No.680 of 2020 has been assigned on 10.12.2020 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 to 3. Since no adverse order is going to be passed, notice to the 4th respondent is dispensed with.

5.Admittedly, the occurrence was taken place in the year 2016 and First Information Report has been registered in Crime No.381 of 2016, under Sections 147, 448 and 379 IPC and it appears that no charge sheet has been filed till date. Also, it is revealed from the affidavit filed by the petitioner that though the petitioner had obtained a favourable order from RDO, he is not enjoying the order due to the interference of the 4th respondent. Once there is an order by RDO, in favour of the petitioner, it is obligatory on the part of the respondent/police to give police



protection to her. More so, considering the facts and circumstances of the case and also taking note of the fact that though FIR has been registered, Charge Sheet has not yet been filed, there shall be a direction to the respondent/police to file a charge sheet in Crime No.381 of 2016 and shall take action against the petitioner's complaint in CSR No.680 of 2020 dated 10.12.2020, in accordance with law, 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.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

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 Deputy Superintendent of Police,
Oomachikulam, Madurai.
- 3.The Inspector of Police,
Silaiman Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN

Crl.O.P.(MD)No.14651 of 2020

DATED : 14.12.2020

ES (CO)

TR(08.02.2021) 3P 5C