



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.14856 of 2020

S.Vidhya

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

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

3.R.Manorama Jeyaraj

4.Dr.Jeyaraj

5.Dr.Balachandar

6.Jeyakumar

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st and 2nd respondent police to provide adequate police protection to the person or the property of the petitioner's hospital known as ''Atchaya Speciality Hospital'' situated at Door No.378A, GST Road, Pasumalai, Madurai for his life and limb based on the complaint given by the petitioner dated 01.12.2020.

For Petitioner : Mr.G.Prabhu Rajadurai for
Mr.K.Vinoharan

For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the 1st and 2nd respondent police to provide adequate police protection to the person or the property of the petitioner's hospital known as ''Atchaya Speciality Hospital'' situated at Door No.378A, GST Road, Pasumalai, Madurai for his life and limb based on the complaint given by the petitioner dated 01.12.2020.

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



3.The learned counsel for the petitioner would submit that she is the owner of the Hospital ''Atchaya Speciality Hospital'' situated at Door No.378 A, GST Road, Pasumalai, Madurai and the said building was owned by one Dr.Gnanasekar Elango, who was running a nursing home in the said premises and he expired during the year 2011. Thereafter, his sister /the 3rd respondent entered into an agreement with the petitioner to lease the said building to the petitioner on a monthly rent of Rs.60,000/-. The petitioner also paid a sum of Rs.10,00,000/- as deposit to the 3rd respondent. As per the agreement the entire premises had to let out to the petitioner. But actually, one Paramasivam was occupying the basement. and as agreed by the 3rd respondent, the said Paramasivam had to vacate the basement of the premises shortly. But the same was not happened. In the meantime, the rent was increased to Rs.1,00,000/- and the petitioner was regularly paying the rent of Rs.1,00,000/- till November 2013. Since the above said Paramasivam was not vacated the basement of the premises, the petitioner has paid a sum of Rs.35,000/- as rent. While this being so, the 4th respondent, who is the son of 3rd respondent approached the petitioner and threatened her to vacate the hospital, as the building was sold to the respondent Nos.5 & 6 and they are also threatening the petitioner. The 3rd respondent lodged a Caveat petition against the petitioner and came to the petitioner's hospital, and made a life threat to the petitioner and her husband. Hence, the petitioner's husband has filed a complaint before the respondent police and the same was issued with a receipt in CSR No.377 of 2020. According to the petitioner, on 01.12.2020, in the absence of the petitioner and other doctors, about 20 goondas came to the petitioner's hospital and forcibly replaced the name board with the name board of the respondents 5 & 6. According to the petitioner, the respondent police are also acting in favour of the respondents 5 & 6. Since, the petitioner and her husband apprehending danger to their life, she is before this Court with this Criminal Original Petition seeking police protection.

4.The learned Additional Public Prosecutor, on instructions, would submit that based on the complaint given by the petitioner, CSR No.377 of 2020 has been assigned on 01.12.2020. Both the parties appeared for enquiry and the petitioner has given an undertaking that the rent due to the 3rd respondent has already been paid by her and on 01.03.2021, she will vacate the premises and hand over the key to the 3rd respondent, for which, the 3rd respondent has also agreed and accordingly, the complaint was closed.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor (Crl.side) appearing for



the respondent/police. Since no adverse order is going to be passed, notice to the respondents 3 to 6 is dispensed with.

6.Admittedly, the dispute is the landlord and tenant dispute and if at all the parties are aggrieved, they have to approach the appropriate civil forum for their remedy. The learned Additional Public Prosecutor has stated that as on date the complaint has been closed. Assuming even if the petitioner/tenant has not paid the rent, the 3rd respondent/landlord has to approach the Rent Control Court for evicting the petitioner the respondents/police at any stretch, cannot interfere with the matter and cannot compel the petitioner to vacate the premises.

7.With the above direction, this Criminal Original petition is disposed of.

Sd/-

Assistant Registrar (CO)

// 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 Commissioner of Police,
Madurai City, Madurai.

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

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

+1 cc to Mr.K.Vinoharan , Advocate SR.No.25978

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