



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.14539 of 2020

WEB COPY

Annapooranam

... Petitioner

Vs

1.The Superintendent of Police
Dindigul District,
Dindigul.

2.The Inspector of police,
Vadamadurai Police Station,
Dindigul District,
Dindigul.

3.M.Rajalingam
4.M.Kanniyappan

...Respondents

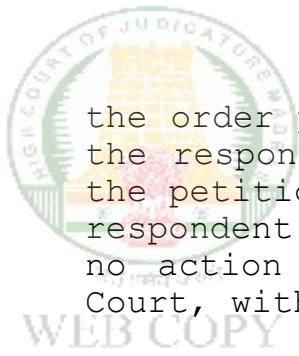
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd respondent to conduct the enquiry in accordance with law and consequently direct the 1st respondent to provide police protection to the petitioner by considering representation dated 07.10.2020 and proceed with the same, as per law, within the time frame fixed by this Court.

For Petitioner : Mr.D.Balamurugapandi
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 2nd respondent to conduct the enquiry in accordance with law and consequently direct the 1st respondent to provide police protection to the petitioner by considering her representation dated 07.10.2020.

2.The learned counsel appearing for the petitioner would submit that the property in S.No.1364/1d to an extent of 0.14.5 hectares belongs to the petitioner. The 3rd and 4th respondents are no way connected with the property. Even then, they trespassed into the petitioner's property and threatened the petitioner. The petitioner filed O.S.No. 311 of 2008 against the 3rd and 4th respondents before the Principal District Munsif Court, Vedasandur and the same has been decreed in favour of the petitioner. He would further submit that the respondent Nos. 3 & 4 have not filed any appeal against the decree. According to the petitioner, eventhough



the order passed by the Civil Court is in favour of the petitioner, the respondent Nos. 3 & 4 created a forged document and threatened the petitioner. Hence, the petitioner sent her representation to the respondent police on 07.10.2020, for giving police protection. Since no action has been taken by them, the petitioner is before this Court, with this present Criminal Original 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 complaint given by the petitioner, CSR No. 535 of 2020 has been assigned on 08.12.2020 and the enquiry is pending. The issue involved in this case is the property dispute between the petitioner and the 3rd and 4th respondents.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to the 3rd and 4th respondents is dispensed with.

5.Recording the above submission made by the learned Additional Public Prosecutor(Crl.side), without going into the merits of the case, the respondents 1 & 2 are directed to consider and pass orders on the petitioner's representation dated 07.10.2020 after giving opportunity to the other side, 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. The respondent police shall keep in mind the Civil Court order in OS.No.311 of 2008 ended in favour of the petitioner, while considering the petitioner's representation and also consider the fact that the petitioner is a senior citizen woman.

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

Sd/-

Assistant Registrar (CS-II)

// 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

<https://hcservices.ecourts.gov.in/hcservices/>



presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To: -

- 1.The Superintendent of Police
Dindigul District,
Dindigul.
- 2.The Inspector of police,
Vadamadurai Police Station,
Dindigul District,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Balamurugapandi, Advocate Sr.No.25453

Crl.O.P(MD)No.14539 of 2020
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VB (06.01.2021) 3P 5C