



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.15232 of 2020

M.Radhika

... Petitioner

vs.

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

2.The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.

3.E.Dineshkumar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to provide adequate police protection to the life and limb of the petitioner and his family members pursuant to the representation of the petitioner dated 20.08.2020, on the file of the 2nd respondent.

For Petitioner : Mr.Suriyanarayanan

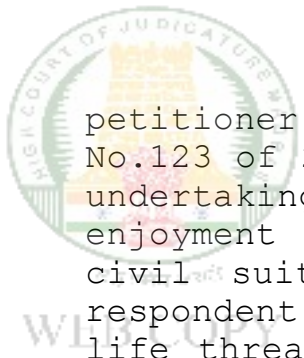
For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor(Crl.side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to provide adequate police protection to the life and limb of the petitioner and his family members pursuant to the representation of the petitioner dated 20.08.2020, on the file of the 2nd respondent.

2. The learned counsel for the petitioner would submit that the petitioner is 60 years old and she is having land in survey number 253/2 to an extent of 3 acre 88 cents in Kulaiyur Village, Theni District, by way of registered sale deed bearing document No.2726 of 2007, on the file of the Sub Registrar Office, Chinnammanur. According to the petitioner, the 3rd respondent, who is the one of the legal heir of the vendor have filed a suit in O.S.No.65 of 2016 and the same is pending for adjudication. While so, the 3rd respondent is interfering the possession and enjoyment of the petitioner, without getting finality in the civil suit. Therefore, the petitioner has made a complaint before the 2nd respondent in the year 2019 and during the enquiry, the 3rd respondent has forcibly obtained an agreement from the petitioner with the help of relatives and others. Thereafter, on 27.02.2020, the 3rd respondent has interfered with the possession of the petitioner's property and gave life threat to her. Hence, the



petitioner has given a complaint to the 2nd respondent in CSR No.123 of 2020 and during the enquiry, the 3rd respondent has given undertaking that he will not interfere the peaceful possession and enjoyment of the petitioner's property, till the disposal of the civil suit and accordingly, the complaint was closed by the respondent police. Even thereafter, the 3rd respondent again made life threat to the petitioner. Hence, she made another complaint on 20.08.2020. Since there is no progress on the same, she made another representation to the 1st respondent on 31.08.2020, seeking 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 the petitioner's representation has been received and the same will be considered.

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

5. Considering the 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 take action on the petitioner's representation dated 31.08.2020 after giving opportunity to the 3rd respondent, 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 take appropriate action in the manner known to law, within a period of three weeks from the date of receipt of a copy of this order. The respondent police shall keep in mind that the petitioner is a senior citizen and also a civil suit is pending between the petitioner and the respondents, while considering her representation.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Theni District,
Theni.
- 2.The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P. (MD)No.15232 of 2020
DATED : 21.12.2020

KM (03.02.2021) 3P 4C