



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE **A.D. JAGADISH CHANDIRA**

Crl.O.P.(MD).No.19189 of 2019

& Crl.MP(MD)No.854 of 2020

WEB COPY

Karuppayee

..Petitioner

Vs.

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

2.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

3.Kanniyammal

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondent police to give necessary police protection to the life and limb of petitioner and her family members on the basis of her representation dated 14.11.2019.

For Petitioner : Mr.S.Gokulraj

For R1 and R2 : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent police to give necessary police protection to the life and limb of the petitioner and her family members, on the basis of her representation, dated 14.11.2019.

2.It is the case of the petitioner that she owns a agriculture land at Manjaveli Village and that she was using cart-track, which was only accessing to her house. Since the third respondent objected to her, the petitioner had filed a suit in O.S.No.364 of 2010 before the learned Additional District Munsif, Karur and the trial Court, by an order, dated 21.10.2013, passed a Judgment and Decree restraining the third respondent from interfering with the usage of the cart-track. The third respondent has not filed any appeal against the Judgment and Decree passed in favour of the petitioner. However, taking advantage of the old age of the petitioner, the third respondent is interfering and creating trouble. Therefore, the petitioner had given a complaint to the respondent police. Since no action has been taken by the respondent



police, the present petition has been filed seeking the above said relief.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that in respect of the complaint given by the petitioner, an enquiry had been initiated and that the summons has been issued to the third respondent, but she has not appeared for enquiry.

4. Perused the records. It is seen that though notice has been issued to the third respondent, she has not appeared before the respondent police for enquiry. In the aforesaid circumstances, this Court considers it appropriate to refer to the report of the Committee constituted by the Government in G.O.(3D) No.42, Home, dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such Committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580, Home (Pol.VII) Department, dated 24.11.2008, the Director General of Police was required to circulate the Report along with the 14 Point Guidelines annexed to such Government Order to Police Officers/Stations for appropriate adherence. Under C.No.43/CRB/CSP/2008, dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of Police for necessary action. Guideline 11 issued by the Committee reads as follows:-

"11.When police protection is sought for the implementation of a Civil Court Order, it should be given readily. Police should not insist on a specific Court direction to give police protection."

5.Considering the above stated facts and circumstances, the second respondent is directed to conduct enquiry and provide adequate police protection to the petitioner on the strength of the Civil Court decree, as discussed above, forthwith.

6.With the above directions, the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Additional District Munsif, Karur.

2.The Superintendent of Police,
Karur District, Karur.

3.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

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

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-4498[F] dated 03/02/2020)

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