



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.3012 OF 2018

S.Indira

... Petitioner

.Vs.

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Ranipet Police Station (Law & Order),
Ranipet,
Vellore District.

3. A.Subramaniam

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to give police protection to the petitioner to live her house at No.4/95, Pillaiyar Koil Street, Thakkampalayam, Eagambaranallur Post, Walaja Taluk, Vellore District.

For Petitioner : Mr.K.Nagarajan

For Respondents 1 & 2 : Mr.C.E.Pratap
Government Advocate
(Clr. Side)

For Respondent No.3 : Mr.B.Sundarapandian

O R D E R

This petition has been filed to direct the respondents to give police protection to the petitioner to live her house at No.4/95, Pillaiyar Koil Street, Thakkampalayam, Eagambaranallur Post, Walaja Taluk, Vellore District.



2. The case of the petitioner is that the petitioner herein is the wife of the 3rd respondent, who is a retired army officer. It is alleged by the petitioner that without knowledge of the petitioner, the 3rd respondent has married one Thilagavathy and begotten two children. Thereafter, the 4th respondent along with his second wife threatened the petitioner and tried to dispossess her from his matrimonial home. The petitioner filed a Suit against the 3rd respondent in O.S.No.59 of 2015, on the file of the District Munsif court, Ranipet for declaration and not to disturb the possession of the suit property. The said Suit was decreed in favour of the petitioner and a challenge was made to the said decreetal order by filing A.S.No.25 of 2016 and the said appeal was also dismissed. Therefore, the petitioner came to her matrimonial home to live with her husband, however, the third abused her in filthy language and tried to vacate her. Thereby, the petitioner lodged a complaint before the 2nd respondent stating not to assault and not to vacate the petitioner's residential portion. This being the position, in view of the fact that the petitioner was continuously harrassed by the 3rd respondent, she filed the present petition seeking police protection.

3. The learned counsel appearing for the petitioner submitted that though the petitioner has got a decreetal order in favour of her before the Trial Court, she is resisted to live in her matrimonial home and facing continuous threat from the 3rd respondent and hence prays for necessary police protection to enter the suit property.

4. The learned Government Advocate (Crl.Side) submitted that in the complaint given by the petitioner, an investigation has been completed and closed the case and therefore, there is no question for granting police protection.

5. In view of the above fact that the petitioner has obtained decree in the Civil Suit, in favour of her before the Trial Court, if at all any grievance to the petitioner, it is open to her to file an appropriate petition before the Trial Court and this Court cannot grant the relief sought for by the petitioner.

6. Accordingly this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Ranipet Police Station (Law & Order)
Ranipet,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.3012 OF 2018

PCH(CO)
PBS/06/09/2021