

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10380 of 2021

R.Madhanagopal

... Petitioner

Versus

1.The Superintendent of Police
Coimbatore District.

2.The Inspector of Police
Valparai Police Station
Valparai.
Coimbatore District 642 127.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction, directing the respondents to take immediate action for police protection in favour of the petitioner on the complaint given by the petitioner for threatening and preventing him from the peaceful enjoyment in respect of the lands situated in Anaimalai Kundrugai, Valparai Taluk, Pollachi, in S.No.3.15 Acres.

For Petitioner : Mr.R.Singaravelan Senior Counsel
for Ms.P.Brindha

For Respondents: Mr.A.Damodaran
Government Advocate (Crl.Side)

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ORDER

This petition has been filed to issue a direction, directing the respondents to take immediate action based on his complaint and to give police protection for threatening and preventing him from the peaceful enjoyment in respect of the lands situated in Anaimalai Kundrugai, Valparai Taluk, Pollachi.

2. The petitioner has got estranged relationship with his wife viz., Praveena, son Dhanusha, and daughter Nikkarika. The petitioner's wife is living separately. The

petitioner's health condition is deteriorating and he has been suffering from serious liver disease. Taking advantage of his medical incapability, the said Praveena with one Senthilkumar and Magalingam have been creating problems. The petitioner has inherited the KGR Estate to the extent of 70 acres. Through a forged sale deed, dated 27.05.2015, his estranged wife in collusion with one Senthilkumar abducted 3.15 acres of the said property. Then, using the forgery document, the said Senthilkumar is living in the said estate and under the guise of maintenance work, continuing his encroach on the petitioner's estate. Further, the estate house is being locked and the petitioner is not given access to enter into the same and he was also threatened by them.

3. He further submitted that the petitioner appointed one Balachandran, who is the cousin brother of the petitioner, as Power of Attorney to manage his property. This was taken offensive, the petitioner's estranged wife abused and assaulted physically on the petitioner as well as his Power of Attorney. The petitioner earlier lodged a complaint on 13.05.2021 for assault on him, the Police immediately acted upon and a case came to be registered on 31.05.2021. Coming to know about the same, a counter case has been lodged by the aggressors viz., Senthilkumar and the case in Crime Nos.65 and 66 of 2021 had been registered. The only prayer sought by the petitioner is that he is allowed to live peacefully in the said estate till his breath. He is already suffering with health ailments. After the petitioner's life, the property naturally goes to his wife and children. But for the reasons best known to them, they are strangely acting like this. He further submitted that the petitioner's mother, who is an aged person is taking care of the petitioner. The petitioner inherits the property and managing KGR Estate are not in dispute. The petitioner's only prayer is that he has to be allowed to live peacefully in the estate and carrying out his estate activities.

4. On perusal of records, it is seen that it is a case in counter both in civil and criminal and also there are exchange of notices. It is also seen that the petitioner's apprehension of life threat and safety is very much real. In view of the same, this Court directs the second respondent to act upon on any complaint received from the petitioner with regard to providing protection of safety to the life and peaceful enjoyment of the property of the petitioner.

5. It is further observed that admittedly as on date, there is no Civil Court order against the petitioner. If the petitioner and estranged wife seeks share and enjoyment of the property, she has to approach the Civil Court and obtain order and thereafter, make her claim. As on date, there is no such order in favour of her.

6. With the above observations and directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

dna

To

1.The Superintendent of Police
Coimbatore District.

2.The Inspector of Police
Valparai Police Station
Valparai.
Coimbatore District 642 127.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Ms.P.Brindha, Advocate SR.No.29309

Crl.O.P.No.10380 of 2021

LN (CO)
GMY (01/07/2021)



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