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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10264 of 2021

R.Sangeetha

... Petitioner

Versus

1. The State, represented by
The Inspector of Police
E-3, Teynampet Police Station
Chennai 600 018.

2. R.Rajesh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent police to give Police Protection to the petitioner Mrs.R.Sangeetha and tenants in their residence at Door No.2, New Door No.24, Raji Naicken Street, Seethammal Colony 3rd lane, Vanniya Teynampet, Chennai 600 018 to enable them to open the terrace door and the motor room door to operate the motor and to have uninterrupted water supply and pass appropriate direction.

For Petitioner : Mr.S.Swamidoss Manokaran

For Respondent : Mr.A.Damodaran for R1
Government Advocate (Crl.Side)

Mr.G.V.Sridharan for R2

ORDER

This petition has been filed to direct the first respondent police to give Police Protection to the petitioner Mrs.R.Sangeetha and tenants in their residence at Door No.2, New Door No.24, Raji Naicken Street, Seethammal Colony 3rd lane, Vanniya Teynampet, Chennai 600 018 to enable them to open the terrace door and the motor room door to operate the motor and to have uninterrupted water supply and pass appropriate direction.



2. The petitioner, who is the wife of Mr.B.Rathinaraj, has filed this petition seeking police protection to the petitioner and as well as to her tenants, who are residing in Door No.2, New Door No.24, Raji Naicken Street, Seethammal Colony 3rd lane, Vanniya Teynampet, Chennai-600 018.

3. The contention of the petitioner is that the petitioner's husband Mr.B.Rathinaraj has purchased the property measuring 1760 sq.ft., in the name of his first wife Mrs.R.Kalavathi under a sale deed dated 09.08.2006, registered as Doc.No.934 of 2006 in the Office of District Registrar of Chennai-Central. Thereafter, he purchased the remaining portion of the said property measuring 1179 sq.ft., in the name of his first wife Mrs.Kalavathi, under the sale deed dated 09.08.2006 registered as Doc.No.933 of 2006. Further, the said Rathinaraj put up construction in the said property and was residing with his first wife. The first wife Kalavathi died intestate on 13.03.2018, leaving behind her husband Mr.B.Rathinaraj, her son R.Rajesh/second respondent and two daughters, viz., Radha Joseph and Evangeline Radhika. In the above property, there are 9 dwelling units. The second respondent is residing in one of the dwelling unit and the remaining 8 units were occupied by the tenants. The second respondent taking advantage of his tenancy asked the tenants to pay the rent to him. Since 7 tenants did not pay the rent to him, he cut off water supply to them.

4. Mr.G.V.Sridharan, the learned counsel for the second respondent has submitted that the second respondent is owner of the property and there is some dispute with regard to the tenancy of the property and the petitioner is totally stranger. According to the second respondent, property is purchased by his father in his mother's name. However, the petitioner has been illegally occupied the same and enjoying the property.

5. The learned Government Advocate (Crl.Side) has submitted that the petitioner has given a complaint in CSR.No.256/2021 before the respondent police on 17.05.2021. Subsequently, both the petitioner and the second respondent were called for enquiry. During enquiry, it was found that it is a civil dispute between the parties, claiming right over the property. Hence, the CSR is closed as Civil in nature on 19.05.2021.

6. At this stage, the learned counsel for the petitioner submitted that the closure report of CSR.No.256/2021 was not informed and furnished to the petitioner. Hence, the first respondent is directed to inform the petitioner as well as the second respondent about the outcome of the closure of CSR and to furnish a copy of the report.



7. In view of the same, both the petitioner and the second respondent are directed to approach the Civil Court and seek their remedy or to file a protest petition and to work out their remedy in the manner known to law.

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8. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Inspector of Police
E-3, Teynampet Police Station
Chennai 600 018.

2. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.G.V.Sridharan, Advocate, Sr.No.29785

CRL.O.P.No.10264 of 2021

SKY (CO)
K.RK. (06.08.2021)