



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.13122 of 2021

Poongodi

... Petitioner

Versus

1. The Superintendent of Police,
Erode,
Erode District.
2. The Deputy Superintendent of Police,
S.P. Office Compound, Perundurai,
Erode District.
3. The Inspector of Police,
Sivagiri Police Station,
Sivagiri, Erode District.
4. A.Selvamurugan
5. A.Shanmugam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 3 to comply with the proceedings of the Revenue Divisional Officer, Erode dated 26.11.2020 in O.Mu.96/2020-5/A2 and consider petitioner's representation dated 25.08.2020 and 22.10.2020 to ensure safety, security, life and liberty and property and take appropriate action in accordance with law for the threat perception caused by the respondents 4 and 5.

For Petitioner : Mr.R.Prabakar

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

ORDER

The petitioner had lodged a complaint on 25.08.2020 and later it was closed on the ground that the complaint is civil in nature and on 22.10.2020, the petitioner filed another complaint



seeking safety and security and life for liberty and right for property against the assault and encroachment attempted by the fourth and fifth respondents. Thereafter, the petitioner was advised to go Civil Court. In respect of the complaint of the petitioner lodged to the third respondent for the complaint dated 25.08.2020 in CSR.No.63 of 2020 assigned, there is civil suit pending between the complainant and the fourth and fifth respondents. The petitioner already filed civil suit in O.S.No.884 of 2018 pending before the Sub-Court, Erode. The fourth and fifth respondents are none other than the step-sons of the petitioner, who are born through one Deivanai and late Appukutty @ Palanisamy. The petitioner is the second wife of late Appukutty @ Palanisamy.

2.The learned Government Advocate (Crl.side) appearing for the first to third respondents submits that there is civil suit pending against the fourth and fifth respondents, in which, the Revenue Divisional Officer has also initiated proceedings. Earlier, the petitioner lodged his complaint before the police authorities on 25.08.2020 in CSR.No.63 of 2020 and later it was closed on the ground that the case is of civil in nature. Again, another complaint was lodged on 22.10.2020 by the petitioner and between the petitioner and the fourth respondent, a civil case is pending. The respondent/police had advised the petitioner to approach the Civil Court as regards any physical assault and if there is any threat to her life security, the respondent-Police would immediately take action.

3. Recording the same, the respondent/police are directed to give protection to the petitioner for her life and safety and as regards the civil dispute, it is for the petitioner to approach the Civil Court.

4.With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

klt



To

1. The Superintendent of Police,
Erode,
Erode District.
2. The Deputy Superintendent of Police,
S.P. Office Compound, Perundurai,
Erode District.
3. The Inspector of Police,
Sivagiri Police Station,
Sivagiri, Erode District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.29168

W.P.No.13122 of 2021

RK(CO)
PM(30/07/2021)