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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12134 of 2021

Selvi

... Petitioner

Versus

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam District.

2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

3.Pandian

4.Sumathi

5.Baskar

6.Ezhilraj

7.Kamaraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to provide suitable protection to the petitioner, her husband and her brother based on the petitioner's representation dated 04.06.2021.

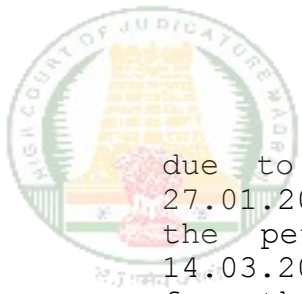
For Petitioner : Mr.W.Camyles Gandhi

For R1 & R2 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to provide Police protection to the petitioner, her husband and her brother based on the representation dated 04.06.2021.

2.The learned counsel for the petitioner submitted that in the year 1998, the petitioner got married with one Eswaran and



due to the wedlock, she had one male child Kishore. On 27.01.2017, the petitioner's husband Eswaren died. Thereafter, the petitioner had second marriage with one Prashanth on 14.03.2018 and there were some objections for the second marriage from the petitioner's first husband's family. The learned counsel further submitted that the petitioner is having one elder sister and brother Asaithambi, who is a mentally retarded person and the petitioner is taking care of him. While being so, the petitioner's parents Rajendran and Manoranjitham expired in the month of May 2021. During their lifetime, the petitioner's parents owned a property worth about Rs.10 Crores at Vellankanni and they executed a Will settling the entire property in favour of the petitioner's brother Asaithambi. On coming to know about the same, the family members of the petitioner's first husband, the petitioner's elder sister's husband and son got distressed of the Will, conspired to kill the petitioner and his brother Asaithambi in order to grab the property. Hence, the petitioner filed a petition before this Court in CrI.O.P.No.11009 of 2018 for Police protection and this Court by order dated 10.04.2018, disposed the petition and granted Police protection to the petitioner and thereafter, there is no interference and the petitioner was also leading the matrimonial life. Again, the family members of the petitioner's first husband, the petitioner's elder sister's husband and son are giving life threat to the petitioner. The petitioner had filed a petition before the concerned Court for appointing her as guardian for her mentally challenged brother.

3.The learned Government Advocate (CrI. Side) appearing on behalf of the respondents 1 & 2 submitted that the representation given by the petitioner dated 04.06.2021 is without any material particulars. Hence, nothing could be made out and no action could be taken by the respondent Police.

4.Considering the submissions and on perusal of the representation of the petitioner, the submissions of the learned Government Advocate (CrI. Side) is well founded.

5.It is seen that the petitioner is yet to get appointed as guardian for her mentally challenged brother Asaithambi. After getting appointment as guardian, she would get every right to take steps to save the property from encroachment and to file appropriate petition before the appropriate forum.

6.In view of the above, this Court is not inclined to entertain the prayer sought by the petitioner and this Criminal



Original Petition is dismissed. At the same time, the respondent Police to give protection to the petitioner, her sister and mentally challenged brother if situation arises.

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Sd/-
Assistant Registrar(CO-III)

//True Copy//

Sub Assistant Registrar

vv2

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam District.
2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.12134 of 2021

GPL(CO)
CT(12/08/2021)