

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18976 of 2020

1.S.Shanthi
2.M.Sakthivel
3.S.Deepan Vijay

...Petitioners

.Vs.

1.The Superintendent of Police,
Coimbatore.

2.State rep.by
The Inspector of Police,
Vadavalli Police Station,
Vadavalli,
Coimbatore District.

3.The Sub Inspector of Police,
The Inspector of Police,
Vadavalli Police Station,
Vadavalli,
Coimbatore District.

4.S.Kiruthika Vadivu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents to give police protection for us to get back our keys to enter and stay in our house situated at No.33, Muthusaral Lay out, Maruthamalai Main Road, Kalveramalalayam, Coimbatore 641 046.

For Petitioner : Mr.ARL.Sundaresan, Sr.Counsel
for Mr.A.Thiyagarajan

For RR 1 to 3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R 4 : Mr.S.Chakkaravarthi

O R D E R

This Criminal Original Petition has been filed seeking for police protection to the petitioners based on the complaint

given by the petitioners on 28.10.2020, wherein the petitioners have sought for getting back the keys in order to enable them to stay in the subject property.

2.The 3rd petitioner is the husband of the 4th respondent. The 1st petitioner is the mother-in-law and the 2nd petitioner is the father-in-law of the 4th respondent. The 3rd petitioner got married to the 4th respondent on 10.03.2019 and the 4th respondent was living in the matrimonial home. According to the petitioners, the property belongs to the 2nd petitioner.

3.There were serious difference of opinion between the parties which ended up in a petition filed for divorce by the 3rd petitioner. There were also police complaints given by the parties and lot of allegations and counter allegations have been made against each other.

4.The grievance of the petitioner is that the 4th respondent has virtually driven away petitioners 1 to 3 from the property and a complaint was also given to the respondent police seeking for police protection. Since the same was not acted upon, the present petition has been filed before this Court seeking for appropriate directions.

5.Mr.ARL.Sundaresan, learned Senior Counsel appearing on behalf of the petitioners submitted that the 4th respondent is entitled to stay in the shared household and the petitioners will not prevent the 4th respondent from residing in the property. The learned Senior Counsel further submitted that the 4th respondent in the guise of staying in the property, cannot bring in her parents and others and create problems for the petitioners. The learned Senior Counsel submitted that the property belongs to the 2nd petitioner and the petitioners are entitled to stay in the property and they cannot be thrown away from the property. The right of the 4th respondent to have a shared household cannot go to the extent of depriving the right of the petitioners to enjoy the property.

6.Per contra, the learned counsel appearing on behalf of the 4th respondent submitted that the petitioners have demanded huge amounts as dowry and she was treated with cruelty and driven out of the matrimonial house. Hence, the parents of the 4th respondent had to necessarily interfere to ensure that the 4th respondent stays in the matrimonial house. The learned counsel further submitted that the police cannot interfere in a dispute of this nature and the parties will have to necessarily agitate their rights only before the competent court.

7.Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3 submitted

that the police will not interfere with the matrimonial dispute between the petitioner and the 4th respondent and the parties will have to work their rights only before a competent civil court.

8.This Court has carefully considered the submissions made on either side and the materials available on record.

9.This Court does not want to deal with the merits of the case and give any findings on the allegations and counter allegations made by the parties. This Court is taking into consideration the specific stand taken by the petitioners and the 4th respondent.

10.In view of the above, it is made clear that the petitioners and the 4th respondent will be entitled to stay in the subject property. The petitioners will not in any way prevent the 4th respondent from residing in the shared household. It is also made clear that the parties should not create any law and order problem and whatever may be the grievance between the parties, should be agitated only in the manner known to law before the appropriate forum. This order is passed only to balance the rights of the petitioners and the 4th respondent and all the other issues are left open to be agitated by the parties in accordance with law. The specific stand taken by the respondent Police that they will not interfere in the matrimonial dispute is hereby recorded.

11.This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1.The Superintendent of Police,
Coimbatore.

2. The Inspector of Police,
Vadavalli Police Station,
Vadavalli,
Coimbatore District.

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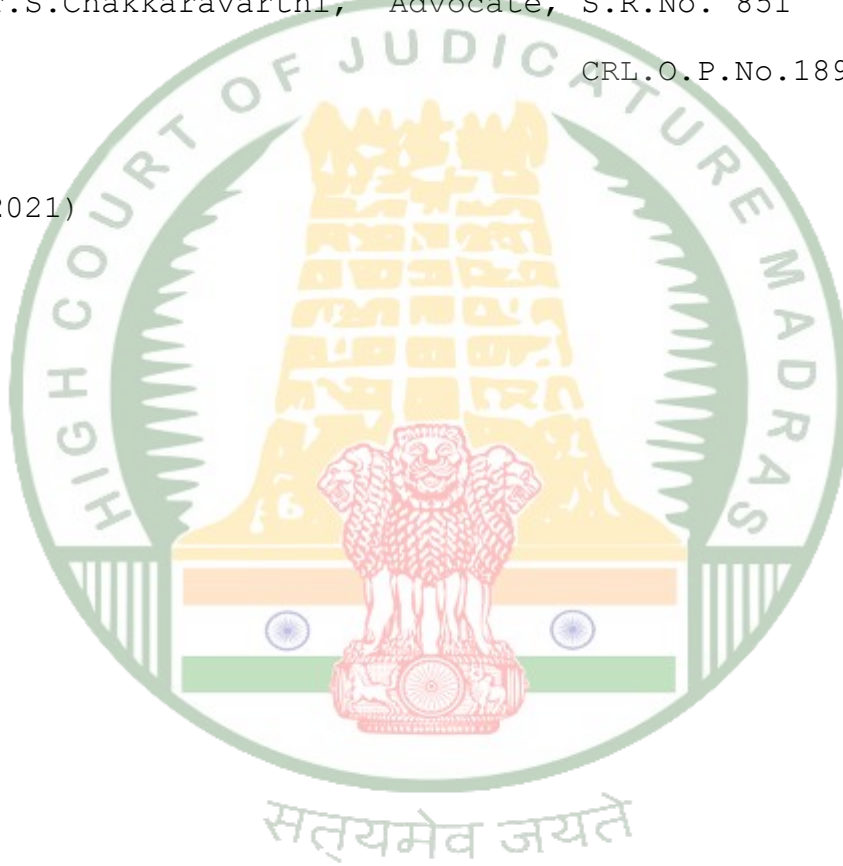
3.The Sub Inspector of Police,
The Inspector of Police,
Vadavalli Police Station,
Vadavalli,
Coimbatore District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Thiyagarajan, Advocate, S.R.No. 623
+1cc to Mr.S.Chakkaravarthi, Advocate, S.R.No. 851

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NMI (CO)
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