



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM :

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THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P. (MD)No.1568 of 2021

Rani ... Petitioner

Vs.

1. The Commissioner of Police,
Trichy District.

2.The Inspector of Police,
Airport Police Station,
Trichy District.

3.Rajendran ... Respondents No.1 to 3

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 & 2 to give necessary police protection to the life and limb of the petitioner by considering her representation dated 28.12.2020 and 19.01.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi

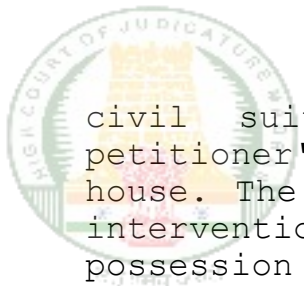
For R1 & R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R3 : Mr.C.Susikumar

O R D E R

The present petition is filed seeking a direction to the respondents 1 and 2 to give necessary police protection to the life and limb of the petitioner by considering her representations dated 28.12.2020 and 19.01.2021.

2. The case of the petitioner is that she is entitled to a house property situated in Door No.16, V.M.T.Road, Trichy. The petitioner has been paying taxes. One Anandhan was entitled to a house situated in Door No.53 which was constructed adjacent to the house of the petitioner. In the year 2003, the said Anandhan sold the property to the petitioner through an unregistered sale deed. The petitioner's house was constructed in the year 2007 and ever since she is in possession. Because of the misunderstanding between Anandhan and the petitioner, he has instigated his wife to file a



civil suit and on the strength of the ex-parte order, the petitioner's house was broke open and they forcibly entered into the house. The petitioner has lodged a complaint. At that time, at the intervention of the elders, the dispute was amicably settled and possession of the petitioner was also confirmed.

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3. Later on 28.12.2020, the said Anandhan set up one Rajendran, who is the third respondent herein. Rajendran and his wife threatened the petitioner with dire consequences. He also attacked and her modesty was also outraged. Hence, on 28.12.2020, the petitioner has lodged a complaint before the second respondent police seeking police protection.

4. When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that based upon the complaint given by the petitioner, a case in Crime No.195 of 2021 for the offences under Section 294(b), 323, 324 and 506(i) IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act was registered against the third respondent and his wife Leelavathy. During the course of investigation, it was found by the Investigation Officer that it is a clear case of mistake of fact and on that ground, the referred charge sheet notice was served upon the petitioner and closure report was also filed on 02.06.2021 before the concerned court.

5. Now the grievance of the petitioner is that because of the dispute, the said Anandhan set up the third respondent herein and he is making continuous trouble.

6. The learned counsel appearing for the third respondent submits that the petitioner has given criminal colour to the civil dispute and there is no truth in the representation of the petitioner.

7. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

8. In my considered view, since the case has been closed as mistake of fact against the third respondent and his wife, the apprehension of the petitioner that she is still experiencing trouble in the hands of the third respondent is not acceptable and the question of granting police protection does not arise in the facts and circumstances of this case. The petitioner is permitted to workout her remedy appropriately before the appropriate forum regarding the property dispute.



9. With the above observation, this petition is disposed of.

Sd/-

Assistant Registrar(CS-)

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/ /2021

Sub Assistant Registrar(CS)

CM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Police,
Trichy District.

2.The Inspector of Police,
Airport Police Station,
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.1568 of 2021
02.07.2021

ls (CO)

TR(12.07.2021) 3P 4C