



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
CrI.O.P. (MD)No.7791 of 2021

WEB COPY

J.Sivajothi

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

3.Rajendran

...Respondents

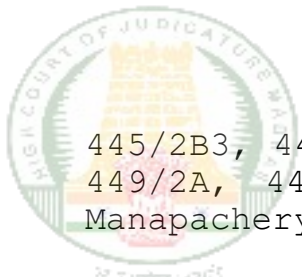
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to give necessary police protection to the petitioner for harvesting Mango and Coconut from the tree on the basis of the petitioner's representation on 01.06.2021.

For Petitioner	: Mr.S.Sivakumar
For R-1 and R-2	: Mr.R.M.Anbunithi
	Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to the second respondent to give necessary police protection to the petitioner for the purpose of harvesting Mango and Coconut from the tree on the basis of the petitioner's representation on 01.06.2021.

2. According to the petitioner, her husband is in abroad and he is not sending any money and he is not taking care of the family also. She got two children, one son by name Suriakumar aged about 14 years, who is a physically as well as mentally challenged and another daughter by name Jenilia, aged about 7 years and she is not in a position to run the family, to meet out the expenses of the School and also the medical expenses. The third respondent, who is the father-in-law of the petitioner, even though got extensive property, is not taking care of the family of the petitioner and for the purpose of meeting out the expenses of her family, she seeks police protection to harvest Mango and Coconut in S.Nos.461/4C, 480/6, 445/10A, 445/11A, 445/13A2, 461/5A3, 480/2, 480/4, 445/2A,



445/2B3, 445/1A5, 440/1A1, 445/2B1, 445/6B1, 445/7A, 448/1B3, 448/4, 449/2A, 445/8B, 445/2E, 445/1A9, 445/1B and 448/1C1 situated at Manapachery Village, Melur Taluk, Madurai District.

3.The learned Additional Public Prosecutor submits that when the petitioner tried to harvest Mango and Coconut, the third respondent restrained her.

4.After hearing the learned Additional Public Prosecutor and a perusal of the records shows that it is a clear case of abuse of law. If the petitioner is not in a position to maintain her family, because of the negligence of her husband and in-laws, the remedy available to her is to take appropriate action as per the civil and criminal law for maintenance. Without resorting to civil and criminal proceedings, the petitioner filed this petition seeking police protection.

5.Admittedly, the petitioner is not in possession of the properties mentioned in the petition. It is only the third respondent, who is the lawful owner and that being so, protection to the petitioner to harvest Mango and Coconut for the purpose of meeting out the expenses of her family will amount to clear abuse of law and process. I am not satisfied with the claim made by the petitioner and accordingly, this Criminal Original Petition is dismissed with liberty to work out her remedy before the appropriate forum.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.



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

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KB(23.06.2021) 3P 4C