



Crl.O.P.(MD)No.10184 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.10184 of 2021

Kasthuri Ammal

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Manamathurai,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 4.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
- 5.Muthurakku.

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the fourth respondent police to provide adequate police protection to the petitioner and her family member's life and limb with property in Survey No.



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106/2 to the extent of 0.060.0 Hectares, situated at Thappaliyenthal Village, Theli Group, Thiruppuvanam Taluk, Sivagangai District, on the basis of the petitioner's complaint, dated 16.07.2021 and the judgment and decree dated 01.07.2019 made in O.S.No.68 of 2016 on the file of the Principal District Munsif Court, Manamadurai, Sivagangai District.

For Petitioner : Mr.R.Udhayakumar

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl Side)for R.1 to R.4

Mr.K.Anna for R.5

ORDER

Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

2. The petitioner wants this Court to direct the fourth respondent to provide her adequate police protection in respect of the petition mentioned property. The petitioner had already given a complaint, dated 16.07.2021. Since no favourable response was forthcoming, this Criminal Original Petition came to be filed.

3. The learned counsel appearing for the petitioner states that the fifth respondent herein had sought to create a cloud on the petitioner's title by



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getting a document registered in his favour. In this regard, the petitioner lodged a criminal case and the same was registered in Crime No.13 of 2016 on the file of the District Crime Branch, Sivagangai. The fifth respondent herein filed Crl.O.P.No.21154 of 2016 for quashing the same. The said Criminal Original Petition was dismissed on 16.03.2017. The petitioner herein filed W.P.(MD)No. 10749 of 2017 for directing the registering authority to cancel the fraudulent sale deed executed in favour of the fifth respondent. A direction was given by the writ Court on 09.06.2017. Pursuant to the said direction, the registering authority held an enquiry and eventually, a document executed in favour of the fifth respondent was also cancelled. The fifth respondent filed O.S.No.68 of 2016 before the Principal District Munsif Court, Manamadurai and the petitioner herein is figuring as a first defendant. The said suit was also dismissed on 01.07.2019. The case was investigated and final report was filed and it has been taken on file as C.C.No.11 of 2017 on the file of Judicial Magistrate Court No.II, Sivagangai, to quash the same the accused filed Crl.O.P.(MD)No.9652 of 2017. It was dismissed on 06.06.2018. Challenging the same, the fifth respondent herein filed S.L.P.No.3831 of 2019 and the same was dismissed on 08.07.2019.

4. In the face of these formidable circumstances, according to the petitioner's counsel, the fourth respondent is obliged to act in aid of the



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petitioner. I am not persuaded by the said submission. The dismissal of O.S.No. 68 of 2016 has not attained finality. The fifth respondent appears to have filed first appeal along with the condone delay petition. Even if the first appeal proceedings end against the fifth respondent, the police cannot step in directly. Only if the petitioner has an enforceable decree or order from the jurisdictional civil Court, the petitioner can expect the police to come to her aid. The counsel for the fifth respondent states that he is in possession and enjoyment of the property and the petitioner is trying to take the help of the police to evict the fifth respondent from the petition mentioned property.

5. Such a course of action is clearly impermissible in law. The petitioner should have an enforceable decree or order from the jurisdictional civil Court before the respondents can be called upon to act to aid enforcement thereof.

6. With this liberty to the petitioner, this Criminal Original Petition stands dismissed.

20.12.2021

Index : Yes / No

Internet : Yes/ No

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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.



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To

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- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 4.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.R.SWAMINATHAN, J.

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