



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGOVAN**

Crl.O.P(MD)No.11128 of 2021

M.Nithya

... Petitioner/Defacto
Complainant

Vs

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai City.

... Respondents/Complainants

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent herein to provide police protection to the petitioner to recover her things and articles from her matrimonial home as per the representation, dated 23.07.2021.

For Petitioner : Mrs.U.Parvathavarthini
For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate

ORDER

This petition has been filed to direct the second respondent herein to provide police protection to the petitioner to recover her things and articles from her matrimonial home as per the representation, dated 23.07.2021.

2.Since the relief sought for by the petitioner cannot be granted by this Court for the simple reason that the issue involved in this case is matrimonial dispute, in respect of which, HMOP. No.392 of 2019 is also pending before the Family Court, Madurai. When that being the position, seeking police protection for the purpose of taking articles from the matrimonial home is not sustainable.

3.Considering the limited prayer sought for by the petitioner, notice was ordered to the petitioner's husband, but he failed to appear. For recovery of materials from the matrimonial home, the petitioner has to file appropriate application, before the Court, where HMOP proceedings are pending. Police protection for the purpose of taking articles from the matrimonial home is not sustainable. Hence, the relief cannot be granted by this Court.



4. With the above said liberty, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
Madurai City,
Madurai.
2. The Inspector of Police,
Thallakulam Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. PARVATHA VARTHINI, Advocate (SR-33505[F] dated 01/11/2021)

Cr1.O.P(MD)No.11128 of 2021
28.10.2021

SVN(CO)
SB/PM (19.11.2021) 2P 5C