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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.13480 of 2022

T.Shyamala

... Petitioner/
Defacto Complainant

Vs.

1. The Superintendent of Police,
Thiruvarur District,
Thiruvarur - 610 001.
2. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur - 614 101.
3. Dhakshina Moorthy
4. Rajendran

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to direct the 1st and 2nd respondents herein to provide adequate police protection to the petitioner Mrs.Shyamala, her sons and workmen or agents being in possession of the lands in Sy.No.33, 35, 36, 82/1, 82/2, 83, 84, 84/1, 84/3, 84/5, 84/7, 84/8, 84/8A, 84/9, 85/2, 85/3, 85/4A of Koothanallur, Vengaram Peraiyur Village, Needamangalam Taluk, on the strength of the FIR in Crime No.469/2021, dated 27.10.2021 on the file of the 2nd respondent police.

For Petitioner : Mr.P.Veena Suresh

For R1 and R2 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1. Side)

For R3 and R4 : Mr.B.Ramamoorthy for
Mr.G.Krishnakumar

ORDER

This Criminal Original Petition has been filed seeking to direct the 1st and 2nd respondents herein to provide adequate police protection to the petitioner, petitioner's sons and workmen or agents being in possession of the lands in Sy.No.33, 35, 36, 82/1, 82/2, 83, 84, 84/1, 84/3, 84/5, 84/7, 84/8, 84/8A,



84/9, 85/2, 85/3, 85/4A of Koothanallur, Vengaram Peraiyur Village, Needamangalam Taluk, on the strength of the FIR in Crime No.469/2021, dated 27.10.2021 on the file of the 2nd respondent police.

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2. It is the contention of the learned counsel for the petitioner that the petitioner was the original owner of the subject property and some agreement has been created, based on that the 3rd respondent filed a suit for Specific Performance in O.S.No.21 of 2012, on the file of the District Court, Thiruvavur and obtained an ex-parte decree. Pursuant to the ex-parte decree, a Sale Deed in favour of the 3rd respondent was executed on 28.04.2014 Vide Doc.No.437 of 2014. Now, the 3rd and 4th respondents are trying to evict the petitioner from the subject property. Therefore, the petitioner seeks for police protection.

3. Learned Government Advocate (Crl.Side) appearing for the respondent police on instructions submits that pursuant to the ex-parte decree obtained from the Court, the 3rd and 4th respondents are in possession of the property. The subject property is an agricultural land. However, it is submitted by the learned Government Advocate (Crl.Side) that the FIR has also been filed against the 3rd and 4th respondents for creating false documents in the name of an agreement for sale, the investigation is pending and handwriting expert's report is also awaiting and the respondent police will proceed further as per the Expert's report.

4. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and the learned counsel appearing for the respondents 3 and 4.

5. Considering the facts and circumstances of the case that the subject property is an agricultural land, an ex-parte decree has already been obtained, an application filed to set aside the ex-parte decree has also been dismissed by the trial Court, against which, a revision petition has been filed before this Court in CRP No.4734 of 2017, which is pending and this Court by an Interim Order has directed the respondents 3 and 4 not to alienate or encumbrance the property, this Court is of the view that when the alleged title is now rest with the 3rd and 4th respondents by operation of the ex-parte decree, until and unless the same is set aside by the competent civil Court, as the investigation is already pending against the 3rd and 4th respondents, blanket police protection as sought by the petitioner cannot be granted.

6. At the same time, the Investigation Officer is directed to conduct the investigation in fair manner as far as the FIR is



concerned in Crime No.469 of 2021 and file the final report before the concerned Court.

7. Accordingly, this Criminal Original Petition stands disposed of with the above directions.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rgi/shk

To

1. The Superintendent of Police,
Thiruvarur District,
Thiruvarur - 610 001.
2. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur - 614 101.
3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.P.Veena Suresh, Advocate, S.R.No.34640

Crl.O.P.No.13480 of 2022

PMK(CO)
CT/24/06/2022