



CrI.O.P.(MD) No.17066 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17066 of 2022

Chithra

...Petitioner

-VS-

1. The Superintendent of Police,
Sivagangai,
Sivagangai District
2. The Deputy Superintendent of Police
Devakottai, Sivagangai District
3. The Inspector of Police
Aravayal Police Station
Sivagangai District
4. Karupusamy
5. Gandhimathi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the first Respondent to provide police protection to the life
and limb of the Petitioner and her family from the Respondents 4 and 5.



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For Petitioner : Mr. G.Hariharan
For R1 to R3 : Mr.R.Suresh Kumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the first Respondent to provide police protection to the life and limb of the Petitioner and her family from the Respondents 4 and 5.

2. It is the contention of the learned Counsel for the Petitioner that there was a partition in the family and based on the partition, the subject matter of the disputed property was allotted to the brother of the Petitioner and the Petitioner had been maintaining it. On behalf of the Petitioner's brother, the Petitioner is cultivating the said land. The property allotted to the brother of the Petitioner had jack trees and mango trees, which was also fenced. Subsequently the Respondents 4 and 5 have encroached the property belonging to the brother of the Petitioner, removed the fence and also plucked the usufructs from the trees and also threatened the petitioner and her husband. The Petitioner had approached the third Respondent with



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the complaint. It is the further contention of the learned Counsel for the Petitioner that based on the complaint of the Petitioner, the third Respondent had not registered the First Information Report. Therefore he had given representation to the second Respondent/The Deputy Superintendent of Police. The second Respondent had forwarded the representation of the Petitioner to the third Respondent and the third Respondent had not taken any action. Therefore he had filed this petition seeking direction against the third Respondent.

3. The learned Government Advocate(Crl.Side) would submit that based on the complaint given by the Petitioner, CSR No. 28 of 2022 was issued . After registering the CSR the Petitioner and the Respondents 4 and 5 were summoned. In the course of enquiry, it was found that there was civil dispute regarding the property between the Petitioner and the Respondents 4 and 5 , therefore advised the Petitioner to approach the civil Court and obtained proper order and thereafter the CSR was closed.

4. Considering the submission of the learned Government Advocate(Crl.Side)that the subject matter of dispute is with regard to



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property, this Criminal Original Petition is closed with the direction to the
Petitioner to obtain appropriate order from the competent civil Court.

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Internet: Yes./No

Index: Yes/no

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To

1. The Superintendent of Police,
Sivagangai,
Sivagangai District
2. The Deputy Superintendent of Police
Devakottai, Sivagangai District
3. The Inspector of Police
Aravayal Police Station
Sivagangai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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