



Crl.O.P.(MD) No.18318 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.18318 of 2022

K.Suganthi

...Petitioner

VS

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

2.The Deputy Superintendent of Police,
Melur Division,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

4.Sridharan

5.Azhagappan @ Raghunathan

6.P.S.Karthikeyan

7.Prabhu

...Respondents



Crl.O.P.(MD) No.18318 of 2022

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Respondents 1 to 3 to provide protection to the Petitioner and her employees for their life and limb.

For Petitioner : Mr.I.Robert Chandra Kumar

For R1 to R3 : Mr.R.Sureshkumar
Government Advocate (Crl.side)

For R4 to R7 : Mr.M.Ponniah

ORDER

This Criminal Original Petition has been filed to direct the Respondents 1 to 3 to provide police protection to the Petitioner and her employees for their life and limb.

2.It is the contention of the learned Counsel for the Petitioner that the Petitioner's father had executed a Will in her favour. Even though it is styled as settlement deed, subsequent to the death of the father, the property mentioned in the settlement deed/alleged Will devolved on the Petitioner herein. While so, the Respondents 4 to 7 are interfering in the peaceful possession and enjoyment of the property.



CrI.O.P.(MD) No.18318 of 2022

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3.The learned Government Advocate for the Respondents 1 to 3 would submit that a civil suit is pending in O.S.No.472 of 2021. The Respondent police summoned the Petitioner and the Respondents 4 to 7 for enquiry. The Petitioner and the Respondents 4 to 7 attended the enquiry. In the enquiry, the third Respondent advised them to seek their remedy through Civil Court, thereby the enquiry was closed.

4.The learned Counsel for the Respondents 4 to 7 would submit that the alleged Will is not actually a Will. It is a settlement deed with condition. Therefore, the Respondents 4 to 7 had challenged the so called Will before the Civil Court and it is pending. Also, he would submit that the alleged deed is not found to be that of the father. Therefore, they are disputing.

5.Considering the submission of the learned Counsel for the Respondents 4 to 7 that the civil case is pending, the Petitioner is directed to seek appropriate remedy from the Civil Court concerned. This Court exercising extraordinary powers under Section 482 Cr.P.C cannot direct the Respondents 1 to 3 herein in the cases of this nature.



Crl.O.P.(MD) No.18318 of 2022

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6. With the above direction, this Criminal Original Petition is disposed

of.

Internet: Yes/No

26.10.2022

Index: Yes/No

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To

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



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Crl.O.P.(MD) No.18318 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.18318 of 2022

26.10.2022