



Crl.O.P.(MD) No.19241 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.19241 of 2022

B.Ahila Maheswari

...Petitioner

-VS-

1. The Superintendent of Police
Nagercoil, Kanyakumari District
2. The Deputy Superintendent of Police
Land Acquisition Cell, Nagercoil
Kanyakumari District
3. The Inspector of Police
Boothapandi Police Station
Kanyakumari District
4. D.David Kennedy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second and third Respondents not to harass, ill treat or disturb the Petitioner and Petitioner's family.



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Crl.O.P.(MD) No.19241 of 2022

For Petitioner : Mr.V. Balasubramanian

For Respondents : Mr. R.Sureshkumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the second and third Respondents not to harass, ill treat or disturb the Petitioner and Petitioner's family.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner is working as a Revenue Inspector . She married one Jimmorisan who was working in United Arab Emirates (UAE) . He died in UAE. The house property was settled by Vimalabai by way of sale registered Document No.1474/1999 dated 25.11.1999. The fourth Respondent had settled in favour of Jimmorisan by way of document No.2144 of 2007 . Further it is stated that Jimmorisan, the husband of the Petitioner had mortgaged property to his brother /fourth Respondent in State Bank of Travancore. Bhoothapandy. After death of Jimmorisan, the possession



CrI.O.P.(MD) No.19241 of 2022

notice was sent to the Petitioner and her mother-in-law. The Petitioner has borrowed loan from her father and settled the bank loan with the State Bank of Travancore. She received the document on 11.05.2022 in document No. 957/2022. After settling the mortgage loan with the State Bank of Travancore and after receiving the title deeds of the property the in-laws of the Petitioner had been threatening her to hand over the house property to the fourth Respondent. The Fourth Respondent had given complaint to the third Respondent. The third Respondent had been summoning the Petitioner at odd hours. Hence the Petitioner had approached this Court seeking direction to the Respondents 1 to 3 to not to harass her.

3. The learned Government Advocate(CrI.Side) would submit that the fourth Respondent has given complaint to the second Respondent and the Petitioner had given complaint to the third Respondent and now both the complaints are pending.

4. As per the reported ruling of the Honourable Supreme Court of India in *Arnesh Kumar Vs. State of Bihar and another* [2014 (8) SCC



Crl.O.P.(MD) No.19241 of 2022

273], the Petitioner is directed to cooperate with the pending investigation.

The Respondents are directed not to harass the Petitioner by summoning her at odd hours.

5. With the above direction the Criminal Original Petition is disposed of.

09.11.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Superintendent of Police
Nagercoil, Kanyakumari District
2. The Deputy Superintendent of Police
Land Acquisition Cell, Nagercoil
Kanyakumari District
3. The Inspector of Police
Boothapandi Police Station
Kanyakumari District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Crl.O.P.(MD) No.19241 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.19241 of 2022

09.11.2022