



Crl.O.P(MD)No.5461 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P(MD)No.5461 of 2023

Mariya Shyamala

... Petitioner

vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

3.M.Arokiya Dhass

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents 1 and 2 to provide adequate police protection to the life and limb of the petitioner and her family members.

For Petitioner : Mr.U.Antony Santhosh

For R1, R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

For R3 : Mr.C.Murugavel



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ORDER

This petition is filed seeking for police protection to the petitioner and her family members on the basis of the representation given by her. It is submitted by learned counsel appearing for the petitioner that the petitioner's husband has purchased the house property and the third respondent trying to disposes the petitioner, the petitioner sought for police protection.

2. The learned counsel appearing for the third respondent has filed a detailed counter and submitted that the house property which the petitioner alleges to be her own is a joint family property, in respect of which, a suit has been filed in O.S.No.140 of 2022 on the file of the Sub Court, Periyakulam and the same is pending.

3. The learned Government Advocate also submits that during the course of enquiry in respect of the petition filed by the petitioner for police protection, both the petitioner and the third respondent appeared and have given undertaking that they will resolve the dispute in respect of the properties, as per Civil Court direction. Accordingly, the representation was closed.



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4. Once the property, for which, the petitioner seeks protection is part of partition suit and since there is no record to show that the petitioner is the owner of the property and since the petition filed by the petitioner has already been closed by the police, no protection can be given by the police as sought for by the petitioner.

5. Accordingly, the Criminal Original Petition is dismissed.

16.08.2023

Speaking / Non-speaking order

NCC : Yes / No

Index : Yes / No

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To

- 1.The Superintendent of Police,
Theni District.
- 2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.D.NAGARJUN, J.

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