



Crl.O.P.(MD)No.12638 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CRL.O.P.(MD)No.12638 of 2023

Kala

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.

3.P.Thavasimuthu

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, praying this Court directing the respondents 1 and 2 to afford sufficient police protection to the petitioner and her property in R.S.No.818/3 & 4, Old Survey No.5498 A1 & B1 of Madhusoothanapuram South Village, Agasteeswaram Taluk, Kanyakumari District admeasuring an extent of 30 cents based on the decree of the Principal District Munsif Court, Nagercoil in O.S.No.155 of 2019 dated 21.06.2022.

For Petitioner : Mr.C.T.Perumal

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



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ORDER

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This petition is filed seeking for a direction to the respondents 1 and 2 to afford sufficient police protection to the petitioner and her property in R.S.No.818/3 & 4, Old Survey No.5498 A1 & B1 of Madhusoothanapuram South Village, Agasteeswaram Taluk, Kanyakumari District admeasuring an extent of 30 cents based on the decree of the Principal District Munsif Court, Nagercoil in O.S.No.155 of 2019 dated 21.06.2022.

2.It is submitted by the learned counsel appearing for the petitioner that originally, the 3rd respondent was the owner of the property in question, which was sold to one Salate Rose, who, in turn, has sold the property in favour of the petitioner on 05.07.2018. Since then the petitioner stated to have been in possession and enjoyment of the property in question. The 3rd respondent has stated to be filed O.S.No.155 of 2019 on the file of District Munsif Court, Nagercoil, seeking declaration to declare that the sale deed executed in favour of the petitioner on 05.07.2018 is null and void. However, the said suit was came to be dismissed on 21.06.2022 for default. Subsequently, it has not been restored. However, now, the 3rd respondent trespassed into the property belonging to the petitioner and cut the trees. Therefore, the petitioner said to have filed a complaint before the respondent Police, however, so far, no action is initiated on the complaint given by the petitioner.



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3.The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 has submitted that the representation of the petitioner dated 06.06.2023 has been disposed of on 17.06.2023, as no offence has taken place and he is ready to provide a copy of the closure of the representation to the learned counsel for the petitioner.

4.Since the representation submitted by the petitioner to the respondent Police has already been closed, this Criminal Original Petition is dismissed as infructuous. The petitioner is at liberty to approach the Civil Court and file appropriate suit against the 3rd respondent seeking injunction restraining him from interfering with her properties.

13.07.2023

NCC : Yes / No

Index : Yes/No

Internet : Yes/No

Yuva



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CrI.O.P.(MD)No.12638 of 2023

DR.D.NAGARJUN. J.

Yuva

To

- 1.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 2.The Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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