



CrI.O.P.(MD) No.13290 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.13290 of 2023

M.Kasthuri

... Petitioner

Vs.

- 1.The Superintendent of Police,
Theni District.
- 2.The Deputy Superintendent of Police,
Cumbum, Theni District.
- 3.The Inspector of Police,
Cumbum South Police Station,
Cumbum, Theni District.
- 4.The Sub-Inspector of Police,
Cumbum South Police Station,
Cumbum, Theni District.

5.A.Soundarrajan

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the third and fourth respondents to provide adequate police protection to the life and limb of the petitioner and the petitioner's residing house door No.15E, Ward No.28, New Ward No.24, Ganapathi Agraharam Street, Cumbum, Theni District.



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For Petitioner : Mr.M.Kaliraj

For R1 to R-4 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R-5 : Mr.C.Abulkalam Azad

ORDER

This petition is filed under Section 482 of Cr.P.C. seeking for police protection to the petitioner in respect of the life and limb of the petitioner and the petitioner's residing house bearing Door No.15E, Ward No.28, New Ward No.24, Ganapathi Agraharam Street, Cumbum, Theni District.

2. The petitioner is a mortgagee in the property belonging to the *defacto* complainant and on a false complaint given by the *defacto* complainant, the respondent Police are harassing the petitioner. Therefore, sought for suitable directions. Earlier, the petitioner filed a complaint, basing on which, a case in Crime No.615 of 2021 was registered and also another FIR in Crime No.137 of 2023 was registered and investigation is going on. It is also submitted that on a complaint given by the *defacto* complainant that the petitioner is having horns of bears before the forest officials, the petitioner's husband ran away along with the



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horns. It is submitted that the landlord is creating issues and thereby, sought for suitable police protection.

3. Mr.C.Abulkalam Azad, learned counsel for respondent No.5 has submitted that the petitioner's husband has been using the said premises for doing poojas and tantras other aspects and when there is a bad smell from the house, thereby, a complaint has been given and she has denied the allegations that the respondent No.2 has forcibly thrown out the articles out of the petitioner from her house.

4. Learned Additional Public Prosecutor has submitted that the allegation of the petitioner that respondent No.2 has thrown the articles out of the house is incorrect and the petitioner after keeping the articles outside the house has taken the pictures and filed a complaint, as if, the unofficial respondent has thrown the articles out of the house. Learned Additional Public Prosecutor also submits that the petitioner herself has given a statement in writing and the copy of which is filed before the Court stating that she does not want Police protection as she will resolve the issues before the Civil Court.



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5. Learned Additional Public Prosecutor has shown a paper clipping, wherein, the petitioner's husband has proclaimed himself as one of the saviours to resolve all the trouble of the people and that the said premises is being used for that kind of purpose. Learned Additional Public Prosecutor submitted that the dispute between the petitioner and respondent No.5 is a landlord and tenant dispute and respondent Police have been registering cases basing on the complaints given by the petitioner as well as the *defacto* complainant. He has further submitted that basing on the intelligence, the Police are of the opinion that there is no necessity to issue protection.

6. Since the respondent Police after due enquiry have closed the petition, no further directions can be given in this case. However, in case, if the petitioner feels any threat from the *defacto* complainant or any other person, she is at liberty to file any complaint, on which, the respondent Police are directed to immediately respond to that and take appropriate action.



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7. With the above observation, the Criminal Original Petition is closed.

29.08.2023

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

tsg
To

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Theni District.
- 2.The Deputy Superintendent of Police,
Cumbum, Theni District.
- 3.The Inspector of Police,
Cumbum South Police Station,
Cumbum, Theni District.
- 4.The Sub-Inspector of Police,
Cumbum South Police Station,
Cumbum, Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

tsg

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