



Crl.OP(MD)No.8728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.OP(MD)No.8728 of 2024

Mathinabeevi

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
Alangudi,
Pudukottai District.

2.The Inspector of Police,
Keeramangalam Police Station,
Pudukottai District.

3.Hajamaideen

4.Abilabanu

5.Umar Kathar

6.Ribana Parwin

7.Samira Banu

8.Abdul Rauf

9.Mohammed Rajiq



Crl.OP(MD)No.8728 of 2024

10.The Superintendent of Police,
Pudukottai.

: Respondents

[R10 *suo-motu* impleaded vide order dated 02.07.2024]

PRAYER: Petition filed under Section 482 Cr.P.C seeking a direction to the respondents 1 & 2 to provide adequate police protection to the life and limb of the petitioner, based on the complaint dated 01.06.2024.

For Petitioner : Mr.N.Jeyaram Sidharth

For Respondents: Mr.P.Kottaichamy
Government Advocate (Crl. Side)
for R.1, R.2, R.10

Mr.K.C.Maniyarasu
for R.3 to R.9

ORDER

The petitioner, a widow, aged about 60 years, has approached this Court seeking police protection from the respondents 1 & 2 to her life and limb, by considering her representation dated 01.06.2024.

2.According to the petitioner, the third respondent's son, Azarudeen, has got married with a minor girl, who was aged about 15 years. The



Crl.OP(MD)No.8728 of 2024

petitioner, being the neighbor, has reported the same to the Child Protection Officer, Pudukottai. On the steps taken by the petitioner, a criminal case was registered as against the third respondent and others in Crime No.2 of 2024 on the file of the All Women Police Station, Alangudi. On this motive, the respondents 3 to 9 said to have verbally harassed the petitioner and also informed their Jamath. The Jamath people have also excommunicated the petitioner from the Jamath.

3.Her further case is that the respondents 3 to 6 have erected a standing stone post in front of her house, disturbing the ingress and egress. She was continuously harassed by uttering filthy language, dumping garbage and was intimidated to withdraw her complaint. In this regard, she has lodged a complaint on 01.06.2024 and since there was no action, she has filed this original petition.

4.During the course of arguments, learned Counsel for the petitioner submitted that the accused has harassed the petitioner, a widow, by appearing nude before her. He has also produced the CCTV footage to



substantiate the same. In this regard, a criminal case was registered in

Crime No.142 of 2023 on 01.10.2023 for the offence u/s.294(b), 500 IPC.

Even thereafter, the accused are repeatedly creating problem and causing nuisance.

5.Considering this submission made on behalf of the petitioner, this Court *suo-motu* impleaded the Superintendent of Police, Pudukottai and directed the Superintendent of Police to look into the issue and to file a report. This Court also verified with the respondent Police as to the status of Crime No.142 of 2023. It appears that the third respondent pleaded guilty and he was imposed with a fine of Rs.500/-.

6.The Superintendent of Police, Pudukottai, has filed a report that there is a long pending pathway dispute prevailing between the petitioner and the respondents. She has also verified the video footage, conducted an enquiry and found that the third respondent has walked in the common pathway situated in between the house of the petitioner and the third respondent, in a drunken stage and at that time, his lungi untied



automatically from his body and he has also set right the same immediately. The act was not done by the third respondent intentionally.

He did not stood at the same place or shown any obscene sign in nude stage. The unexpected untieing of lungi from his body was recorded in the video for few seconds. In any event, for this incident, a case was registered in Crime No.142 of 2023 for the offence u/s.142, 294b, 500 IPC. Charge sheet was filed for the offence u/s.294b IPC and the accused was also convicted with fine amount.

7.She further submitted that on the complaint of the petitioner, Mathina Beevi, the following cases have been registered:-

- i) Cr.No.126/2023 on the file of the Keeramangalam Police Station, for the offence u/s.294b, 324 IPC - stage - PT;
- ii) Cr.No.127/2023 on the file of the Keeramangalam Police Station, for the offence u/s.294b, 323, 324 IPC - stage - NTF;
- iii) Cr.No.142/2023 on the file of the Keeramangalam Police Station, for the offence u/s.294b, 500 @ 294b IPC - stage - convicted;
- iv) Cr.No.2/2024 on the file of the All Women Police Station, Alangudi, for the offence u/s.5(I), 5(j)(II), 6(i), 17, 9, 11 of



Protection of Child from Sexual Offence Act and Protection of
Child Marriage Act – stage – UI.

8.The Superintendent of Police further claimed that the petitioner and her supporters are in the habit of lodging false complaints against the Panchayat Administration, Jamath Administration and Police Officers.

9.The petitioner's Counsel refuted the allegations and has requested this Court to see the video footage, wherein, the manner in which the accused has behaved as against this petitioner is recorded. He further submitted that the act of the accused in Crime No.142 of 2023 would attract an offence u/s.354A & 509IPC, however, the Police has filed the final report u/s.294b IPC alone and allowed to accused to escape from the clutches of law.

10.This Court considered the rival submissions made on either side and also perused the materials placed on record.



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11.The video footage produced by the petitioner reveals that the accused has voluntarily released his knot, allowed the lungi to fell down and thereafter, set right the same. The petitioner is a widow, a single woman, aged about 60 years and living alone. It is the responsibility of the respondent Police to protect the life and limb of every citizen, including this petitioner, a old woman.

12.Right to Life is guaranteed under Article 21 of the Constitution of India. Right to Life includes right to have a dignified and decent life. It appears that there is a motive for the respondents to behave in such a manner as against the petitioner. For this conduct of the accused in Crime No.142 of 2023, the Police ought to have filed the final report for the offence u/s.354A, 509 IPC. Instead, the final report was filed for the offence u/s. 294b IPC and the accused was also allowed to escape with a fine of Rs.500/-. In fact, in the final report, there is not even a mention about the accused's nudity in front of the petitioner's house, though it is mentioned by the Superintendent of Police in the report as that of an unintentional



Crl.OP(MD)No.8728 of 2024

incident. It appears, there is a slackness on the part of the respondent Police in taking appropriate action as against the respondent.

Therefore, this Court is inclined to allow this petition and accordingly, this criminal original petition is allowed. The respondents 1 & 2 are directed to provide adequate police protection to the petitioner, as and when required. They shall ensure that this petitioner is not harassed by the private respondents or other Jamathars, for having set the law in motion.

Internet : Yes
gk

29.07.2024

To

- 1.The Deputy Superintendent of Police,
Alangudi, Pudukottai District.
- 2.The Inspector of Police,
Keeramangalam Police Station, Pudukottai District.
- 3.The Superintendent of Police,
Pudukottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.OP(MD)No.8728 of 2024

B.PUGALENDHI, J.

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CrI.OP(MD)No.8728 of 2024

29.07.2024