



W.P.(MD)No.18361 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.18361 of 2024

Kasthurikala

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai.

3.Vinothini

4.The Inspector of Police,
Cyber Crime Branch,
Commissioner Office,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, directing the first respondent to take appropriate steps against the third respondent for her illegal and offensive action on the basis of the registered representation dated 14.07.2024 and may also grant appropriate compensation to the petitioner for the illegal detention of the petitioner and her son mentioned supra.



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For Petitioners : Mr.K.Neelamegam
For RR1, 2 & 4 : Mr.P.Kottaichamy
Government Advocate (Crl.side)
For R3 : Mr.A.Mayilvahana Rajendran

ORDER

This writ petition has been filed to direct the first respondent to take appropriate steps against the third respondent for her illegal and offensive act, on the basis of the registered representation of the petitioner dated 14.07.2024.

2.The case of the prosecution is that the petitioner is the owner of the subject property. The third respondent, who is residing in the opposite house, is forcing the petitioner to sell her house to the third respondent. Since the petitioner is not willing to sell her house, the third respondent is creating life threat to the petitioner and her family members, by pelting stones on the house of the petitioner.

3.The learned counsel for the petitioner submits that the third respondent is working as an Assistant Commissioner in C.C.B., Madurai.



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Therefore, with her power and influence, the third respondent is making life threat to the petitioner and her family, since the petitioner refused to sell her house to the third respondent. The petitioner had installed CCTV cameras to monitor the outside movement. After few days of installing camera, the petitioner's son appeared. Thereafter, the petitioner filed a petition in H.C.P.(MD)No.879 of 2024 before this Court and only thereafter her son was surfaced. Further, the CCTV camera and hard disk were seized by the first and second respondents and the same have not been returned so far even after the request made by the petitioner. The cameras are removed on the pretext of enquiry.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submits that on the complaint of the third respondent's sister that the petitioner has installed the camera facing the house of the third respondent, a case in Crime No.760 of 2024 has been registered and the for the purpose of investigation the CCTV camera installed in the house of the petitioner, was seized. Now, the said camera is forwarded to the Cyber Crime to find out the real intention of the petitioner's son in installing CCTV camera. The respondent police are strictly following



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the circular of the Director General of Police not to interfere with the property dispute and they are not influenced by the third respondent as alleged by the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. The allegations have been made against the third respondent, who is residing opposite to the petitioner's house. The investigation was conducted by the respondent police based on the complaint given by the sister of the third respondent against the son of the petitioner. In the meanwhile, the son of the petitioner went missing. Therefore, the petitioner filed a Habeas Corpus Petition and it was closed recording the submission of the petitioner's son that he was not illegally detained by anyone. Hence, it is clear that as projected by the petitioner, the petitioner's son was not kidnapped at the instance of the third respondent.

7. Further, the learned counsel for the petitioner submits that the petitioner's house is 12 feet height. On the other hand, the third



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respondent's house is a huge one and even assuming that the petitioner's son has installed the camera focusing the third respondent's house, nothing can be captured of the third respondent's house.

8.The learned Government Advocate (Crl.side) also submits that the respondent police is taking all measures to wipe out the petitioner's apprehension that some strangers are pelting stones on the petitioner's house.

9.The petitioner is feeling unsecured in her newly constructed house. It is the duty of the respondent police to give protection to every citizen irrespective of their status. The third respondent shall be properly advised in this regard. Considering the submissions made on either side, this Court holds that if any illegal activities are found around the house of the petitioner, proper action shall be taken against the offenders. The petitioner is a lady and proper security shall be ensured to her and to her property.



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10.This Criminal Original Petition is disposed of in the above terms.

NCC : Yes / No
Index : Yes / No
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- 2.The Inspector of Police,
Thallakulam Police Station,
Madurai.
- 3.The Inspector of Police,
Cyber Crime Branch,
Commissioner Office,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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