



Crl.O.P.(MD)No.968 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.968 of 2025

Jeyabarathi

... Petitioner

Vs.

1.The State of Tamil Nadu rep by
The Superintendent of Police,
Superintendent Office,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to direct the first and second respondents herein to accord police protection to the petitioner's life and limb.

For Petitioner : Mr.S.Mandhiralingeswaran
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, seeking to grant police protection to the petitioner's life and limb.



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2.The petitioner is the owner of the subject property. Due to ill motive, the adjacent land owners are creating unnecessary problems to the petitioner and disturbing her peaceful possession and enjoyment of the property. Hence, the petitioner filed a writ petition W.P.(MD)No. 10027 of 2024 to survey and demarcate the property and obtained an order dated 24.04.2024 in her favour. Even then, the adjacent land owners are creating trouble to the petitioner for fencing her property. Hence, the petitioner has filed this petition.

3.The learned Additional Public Prosecutor for the respondents submits as the matter in issue arises out of civil disputes between the parties, this court would direct the petitioner to seek remedy through civil process. In the circumstances, this court would not issue direction under Section 482 Cr.P.C.

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

5.This court considers it appropriate to refer to the report of the committee constituted by the Government in G.O.(3D) No.42, Home



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dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No. 1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No. 43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

6. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for and this Criminal original petition is allowed. There will be a direction to respondents to provide



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police protection to the petitioner for a period of three weeks from the date of receipt of a copy of this order. The same will be at the cost of the petitioner.

22.01.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Superintendent of Police,
Superintendent Office,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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