



Crl.O.P.(MD)No.1254 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1254 of 2025

S.Kasthuri

: Petitioner

Vs.

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Sivagangai, Sivagangai District.
- 2.The Deputy Superintendent of Police,
O/o., The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 3.The Inspector of Police,
O/o., the Inspector of Police,
Manamadurai Police Station,
Manamadurai.
- 4.Sumathi
- 5.Pandi

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents 1, 2 and 3 to provide adequate police protection to the life and limbs of the petitioner and her son.

For Petitioner : Mr.B.Senthilnathan

For R1 to R3 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)



Crl.O.P.(MD)No.1254 of 2025

ORDER

WEB COPY

The petitioner/lady, senior citizen aged about 68 years, is residing in the house constructed by her father and that house did not have a toilet facility. Hence, on 24.10.2024, the petitioner started to construct a toilet in the backyard, which was objected by one Sumathi and her father Pandi along with henchmen and abused her and prevented her from constructing toilet. The petitioner had immediately called the emergency police number 100, at that time, the police informed the petitioner that all the police had gone for security to Devar Jayanthi. Thereafter, on 01.11.2024 the petitioner lodged a complaint and CSR.No.1373 of 2024 was assigned. Counter complainants were called, but they have not appeared for enquiry. The police questioned the petitioner's right of constructing toilet in the area and directed the petitioner to get survey report. Thereafter, the petitioner on 02.11.2024 paid amount to the revenue authorities to survey the land and her property was surveyed and boundaries were earmarked. On 23.12.2024, the petitioner had submitted the document to the police, at that time also, the counter petitioners were informed that they will not obstruct the petitioner's constructing toilet in her place. On 24.12.2024 when the petitioner had made arrangement for constructing toilet, the said Sumathi and her husband, who is working in the police department and on



Crl.O.P.(MD)No.1254 of 2025

their instigation, henchmen had entered into petitioner's property, obstructed her construction and also threatened her. Though the complaint was immediately given to the Manamadurai Police Station, no action has been taken. Hence, filed the above petition.

2. The learned Additional Public Prosecutor submitted that on the petitioner's complaint, CSR.No.1373 of 2024 has been assigned. The petitioner as well as the counter-petitioners were called for enquiry. The petitioner's right and enjoyment of the property is not disputed seriously. Likewise, the surveyor also confirmed the toilet, which is proposed to construct, is well within the petitioner's property. Since finding that it is the civil dispute, closed the complaint advised to both parties to approach the civil Court.

3. Considering the submission and perusal of the materials and closure report, it is seen that closure is not proper. Hence, the closure of CSR.No.1373 of 2024 is hereby re-opened. The Deputy Superintendent of Police, Manamadurai, to continue with the enquiry in CSR.No.1373 of 2024 and the petitioner's complaint and ensure that in the event of petitioner's having all the right, no obstruction to be made by said Sumathi



Crl.O.P.(MD)No.1254 of 2025

and her husband, who is working in the police department, or by Sumathi's father Pandi and their family members or any other henchmen in any manner. The third respondent police to hand over the case diary to the Deputy Superintendent of Police, Manamadurai, within five days from today i.e., 24.01.2025. The Deputy Superintendent of Police will bear in mind that the petitioner is aged about 68 years old lady and she needs to have a bathroom, which cannot be obstructed, to complete the enquiry within a period of one month from the date of receipt of a copy of this order ensuring that the bathroom is constructed without any obstruction, if she is entitled.

4. With the above direction, this Criminal Original Petition is disposed of.

24.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk



Crl.O.P.(MD)No.1254 of 2025

To

WEB COPY

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Sivagangai, Sivagangai District.
- 2.The Deputy Superintendent of Police,
O/o., The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 3.The Inspector of Police,
O/o., the Inspector of Police,
Manamadurai Police Station,
Manamadurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1254 of 2025

M.NIRMAL KUMAR,J.

Rmk

Crl.O.P.(MD)No.1254 of 2025

24.01.2025