



Crl.O.P.(MD)No.20302 of 2024

Crl.O.P.(MD)No.20302 of 2024

WEB COPY

L.VICTORIA GOWRI, J.

This matter is listed under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2. Mr.S.C.Herold Singh, learned counsel submits that he appeared on behalf of the private respondents and his name has been omitted in the appearance portion in the order dared 21.04.2026 and may kindly be modified accordingly.

3. In view of the above, the appearance portion shall stand amended by adding the following:

“For R3 to R5 : Mr. S.C. Herold Singh.”

4. Barring the above, there are no other modifications to order dated 21.04.2026 passed in this petition.

5. Registry shall issue fresh order copy to the parties concerned incorporating the aforesaid modification.

30.04.2026

sm



WEB COPY



Crl.O.P.(MD)No.20302 of 2024

L.VICTORIA GOWRI, J.

Sm

Order made in
Crl.O.P.(MD)No.20302 of 2024

Dated
30.04.2026



Crl.O.P.(MD)No.20302 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 27.02.2026

PRONOUNCED ON : 21.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.20302 of 2024

and

Crl.M.P.(MD)No.5173 of 2025

Vijila Kumari

... Petitioner/Accused No.

Vs.

1. The Superintendent of Police,
Kanyakumari,
Kanyakumari District.

2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

3. Vinukumar

4. Suresh

5. Anila Sharli

.... Respondent /
De~facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the 2nd respondent to provide adequate police protection to the life and limb of the petitioner and his family members by considering the petitioner-s representation dated 24.09.2024.

For Petitioners : Mr.R.Maheswaran



Crl.O.P.(MD)No.20302 of 2024

For R~1 & R~2 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

WEB COPY

ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the respondent police to provide adequate police protection to the petitioner and her family members, in view of the alleged continuous obstruction and threat caused by the private respondents.

Case of the Petitioner:

2. The case of the petitioner is that she is working as a Teacher in St. Francis Matriculation Higher Secondary School and is residing in a locality where the respondents 3 to 5 are her neighbours.

3. It is the grievance of the petitioner that the private respondents have been consistently obstructing the common pathway used by her for ingress and egress to her residence. It is alleged that, with an intention to prevent her free access, the private respondents have deliberately dumped stones and palm leaves on the pathway by using a tempo vehicle, thereby rendering the road unusable.

4. The petitioner would further submit that due to such obstruction, it has become extremely difficult for her and her family members to access their residence, particularly through vehicles. In this regard, she lodged a complaint before the second respondent police and the Village Administrative Officer, Mangode, Kanyakumari District, which was acknowledged in CSR No. 772 of 2023.

5. According to the petitioner, upon receipt of the complaint, the authorities inspected the spot and confirmed the obstruction caused by the private respondents. Though they were advised not to indulge in such acts, the private respondents allegedly continued their conduct and further abused and threatened the petitioner and her family members.

6. The petitioner would also state that even after the Government laid



Crl.O.P.(MD)No.20302 of 2024

a road in the said common pathway, the obstruction continued unabated, with the private respondents repeatedly placing stones to block access.

7. It is further alleged that the private respondents are influential persons and therefore the police have not taken effective action. In these circumstances, the petitioner submitted a detailed representation dated 24.09.2024 to the first respondent seeking police protection.

8. Since no action was taken, the petitioner had earlier approached this Court in Crl.O.P.(MD) No.18692 of 2024, which was withdrawn with liberty to file a fresh petition. Hence, the present petition.

Submissions on either side:

9. The learned counsel for the petitioner would submit that the petitioner is subjected to continuous harassment, obstruction of access to her residence, and threats to her life and limb. It is contended that despite lodging complaints and making representations, the police have failed to take appropriate action, thereby necessitating the intervention of this Court.

10. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 would submit that the complaint of the petitioner has been received and CSR has been issued. It is further submitted that the dispute appears to be of a civil nature relating to pathway rights and that necessary enquiry has already been conducted. However, it is assured that appropriate action will be taken in accordance with law, if any cognizable offence is made out.

11. Though notice has been served, there is no representation on behalf of the private respondents.

Point for Consideration:

12. The point that arises for consideration in this petition is whether the petitioner is entitled to a direction for police protection in the facts and circumstances of the case?

Analysis:

13. This Court has carefully considered the submissions made on either



side and perused the materials available on record.

14. It is not in dispute that the petitioner had lodged a complaint before the police, which has been acknowledged in CSR No.772 of 2023. It is also evident that the authorities have conducted an inspection and advised the private respondents.

15. The core grievance of the petitioner pertains to obstruction of a common pathway and the alleged threats issued by the private respondents. While the issue relating to right of pathway may have civil overtones, the allegation of repeated obstruction coupled with intimidation, if true, would certainly attract the attention of the law enforcement authorities.

16. It is well settled that when there are allegations of threat to life and limb, the police are duty bound to enquire into the same and take appropriate action in accordance with law. At the same time, this Court cannot convert a civil dispute into a criminal proceeding by issuing blanket directions.

17. In cases of this nature, a balanced approach is required. While the civil rights of the parties must be adjudicated before the competent civil forum, the police cannot remain passive if there are allegations of obstruction of public pathway and criminal intimidation.

18. In the present case, the petitioner has already submitted a representation dated 24.09.2024 seeking protection. In the considered view of this Court, the ends of justice would be met by directing the respondent police to consider the said representation and take appropriate action.

19. In the result, this Criminal Original Petition is disposed of with the following directions:

(i) The second respondent police is directed to consider the petitioner's representation dated 24.09.2024, if not already considered, and conduct an enquiry after affording an opportunity to both parties.

(ii) If any cognizable offence is made out, the respondent police shall proceed in accordance with law.

(iii) The respondent police shall ensure that there is no threat to the life and limb of the petitioner and her family members and take preventive action, if necessary.

(iv) It is made clear that this order will not confer any civil rights upon the petitioner with regard to the pathway and the parties are at liberty



Crl.O.P.(MD)No.20302 of 2024

to work out their remedies before the competent civil Court.

20. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

21.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

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

L.VICTORIA GOWRI, J.

Sml



WEB COPY



Crl.O.P.(MD)No.20302 of 2024

CRL OP(MD)No.20302 of 2024

21.04.2026

=