

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.25616 of 2015

G.Elumalai

... Petitioner

Vs

State Rep by
The Inspector of Police,
Roshanai Police Station,
Tindivanam District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to give police protection to cultivate the land without any interference from the accused and his people.

For Petitioner : Mrs. M.Sheela

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking police protection to cultivate the land without any interference from the accused.

2. The case of the petitioner is that he is the owner of the land situated at Melperadikuppam, Tindivanam Taluk in Survey No.52/3A, 1.10.0 3.74 and in survey No.52/2A 011.0 0.38 in survey No.502. One Palani/accused had given a sum of Rs.2,00,000/- as advance on 28.05.2006 for purchase of the land. But no sale agreement has been entered between the parties. The said Palani has orally agreed to pay the balance amount of Rs.50,000/- within three months. The accused, instead of paying the balance amount within the period of three months, is threatening the petitioner and interfering with the peaceful possession of the property. Though, the petitioner herein lodged a complaint before the respondent police to give police protection to cultivate the land, the same was not considered by the respondent so far. Hence the petitioner has come forward with the present petition for police protection.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that there are several suits pending between petitioner and the said Palani. Since it appears civil in nature, the respondent cannot give police protection and thus, he sought for dismissal of the petition.

5. In view of the submission made by the learned counsel for the petitioner and on perusal of the entire material available on records and also the averments made in the affidavit, I find that several civil suits in O.S.No.135 of 2007 and O.S.No.328 of 2008 are pending between the parties before the Principal Sub Court, Tindivanam and the Additional District Munsif, Tindivanam, considering the statement of the petitioner alone, this court cannot give any direction to the respondent police to give police protection and hence, this petition is liable to be dismissed.

6. This criminal original petition is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vrc/mrp
To

1. The Inspector of Police,
Roshanai Police Station,
Tindivanam District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Ms. M. Sheela, Advocate Sr.61963

CrI.O.P.No.25616 of 2015

AR-II
EU 25.11.15