

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.749 of 2016

1.K.Babulal Kothari

2.B.Abinav Kothari

..Petitioners

Vs.,

1.The Superintendent of Police,
District Police Officer,
Krishnagiri,
Krishnagiri District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Krishnagiri,
Krishnagiri District.

3.The Inspector of Police,
Bagalur Police Station,
Bagalur,
Krishnagiri District. ..Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents take necessary action against the accused persons and give police protection to the petitioners and their properties to situated at krishnakiri district, Hosur Sub-registration District, Hosur Taluk, Bagalure Village, the land bearing SF.No.4/2c,Dry Extent hEC. 0.49.0 AAND SutveyNo.172/2b0.5.00ARS, 4/2C1, 0.22,15/4,35/1,35/5, 35/3A,15/2B,Agricultural land in accordance with law.

For Petitioners : Mr.K.Nagarajan

For Respondents : Mr.C.Emalias, APP

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ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents to take necessary

action against the accused persons and give police protection to the petitioners and their properties.

2.The case of the petitioners is that the petitioners have jointly purchased the properties comprised in S.Nos.4/20, 15/2B, 15/4, 35/1, 33/5 and 35/3A, situated at Bagalur, Krishnagiri District from one Sabjan vide Doc.No.1066 of 2006. In the same survey numbers, the petitioners have also purchased the agricultural lands measuring to an extent of 0.67 cents from one Neerachari, vide Doc.No.1488/2006, situated at Bagalur, for a sale consideration of Rs.1,20,000/-. The petitioners have also purchased the agricultural lands comprised in S.Nos.4(20), 15/4, 35/1, 35/5 and 35/3A on 13.11.2006 measuring to an extent of 0.17 cents situated at Bagalur from one Neerachari, vide, Doc.No.1488 of 2006, for a sale consideration of Rs.30,000/- and they have purchased another agricultural lands comprised in S.Nos.4/20, 15/2B, 15/4, 35/1, 35/5 and 35/3A, dated 21.11.2006, measuring to an extent of 0.17 cents, from one Adhik Bazha, vide. Doc.No.1569 of 2006 situated at Bagalur, Krishnagiri District for a sale consideration of Rs.30,000/-. Thereafter, the petitioners have been in possession and enjoyment of the above said agricultural lands. All the revenue records stand in the name of the petitioners and the patta was also issued in the name of the petitioners by the Tahsildar, Hosur. While so, one Anchanappan, Saradambal, Guruprasandh and Padma along with their henchmen trespassed into the land of the petitioners and threatened their family members. The said Anchanappa and his associates filed a suit in O.S.No.17 of 2007 against the petitioners, Saradahammal and 16 others before the Additional District Munsif Court, Krishnagiri for specific performance and the said suit was dismissed on 09.04.2014. Against the dismissal of the said suit, the said Anchanappa filed an appeal before this Court and the same is pending. In the meantime, the counter petitioners are threatening the petitioners and their family members. Hence, the petitioners lodged a complaint before the respondents to take necessary action against the counter petitioners. But, till date no action was taken. Hence, the petitioners have filed the present criminal original petition.

3.The learned Additional Public Prosecutor submitted that on perusal of allegation in the complaint it could be seen that there was a property dispute between the parties. Hence, the matter is purely civil in nature and the petitioners may approach the Civil Court

to work out their remedy. Thus, the learned Additional Public Prosecutor submitted that police protection as sought for by the petitioners in this petition cannot be granted.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents and also perused the materials available on record.

5. In view of the submissions made by the learned Additional Public Prosecutor, I find that the allegation made by the petitioners pertains to a property dispute. In this regard, already civil proceeding is pending between the parties. When the civil suit/appeal is pending between the parties, I am not inclined to give any direction to the respondents-police as sought for by the petitioners. Hence, the criminal original petition is dismissed. The petitioners have to workout their remedy only before the Civil Court.

-sd/-

ASSISTANT REGISTRAR

/ TRUE COPY /

Sub-Assistant Registrar

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To,

1. The Superintendent of Police,
District Police Officer,
Krishnagiri, Krishnagiri District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Krishnagiri, Krishnagiri District.
3. The Inspector of Police,
Bagalur Police Station,
Bagalur, Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to M/S.K.NAGARAJAN, ADVOCATE SR.NO. 2103/2016.

AK[CO]

RD 04/02/16.

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