



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.10765 of 2017

S.Musthafa Kamal

... Petitioner

-Vs-

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

2.The Inspector of Police,
Adiramapattinam Police Station,
Adiramapattinam - 614 701.
Thanjavur District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to provide police protection to the petitioner and his family members based on the petitioner's complaint, dated 24.04.2017.

For Petitioner : Mr.S.Anandhakumar

For Respondents : Mr.K.Anbarasan,
Government Advocate (Crl.side).

ORDER

This Criminal Original petition is filed for a direction to the respondents to provide police protection to the petitioner and his family members based on the petitioner's complaint, dated 24.04.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondents.

3. The petitioner stated that he is residing in a portion of the house, which according to him is the share of his mother as per the Muslim Hariyat Law. The petitioner further stated that his brother who died prior to his father is not entitled to any share in his father's property as per Muslim Customary. It is in these circumstances, the petitioner alleging that his enjoyment is under physical threat at the instance of his brother's wife has filed the

<https://hcservices.ecourts.gov.in/hcservices>

petition seeking police protection.

4. From the case narrated by the petitioner, it is seen that



there is a dispute with regard to ownership and enjoyment of the portion of the house. The dispute is purely civil in nature and the respondent police can neither adjudicate the question of title nor as to the lawful enjoyment of the property by any one.

5. Hence, this petition to direct the respondents to provide police protection cannot be entertained. The Criminal Original petition is dismissed. However, the petitioner is given liberty to approach the civil Court for appropriate relief and if the petitioner succeeds in getting any interim order of injunction restraining his brother's wife or her men from interfering with the peaceful possession, the petitioner also can get police protection from the civil Court if there is a threat or disobedience of the order of injunction granted by the civil Court.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police, Thanjavur District, Thanjavur.
2. The Inspector of Police, Adiramapattinam Police Station, Adiramapattinam - 614 701, Thanjavur District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

LS/PMU

JS/GT/SAR.1/30.08.2017/2P-4C

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