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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.OP.(MD) No.11756 of 2017

P.Selvan

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District.

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

3.Krishnan @ Gopalakrishnan

4.Jeya

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to give adequate police protection to the life and limb of the petitioner and his family members on the basis of the petitioner's complaint to the first and second respondents, dated 24.08.2017.

For Petitioner

: Mr.S.Ramasamy

For R1 and R2

: Mr.K.Anbarasan

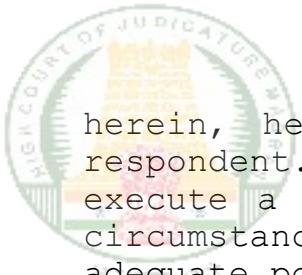
Government Advocate

ORDER

The Criminal Original Petition has been filed to direct the second respondent to give adequate police protection to the life and limb of the petitioner and his family members on the basis of his complaint to the first and second respondents, dated 24.08.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 & 2.

3.The petitioner states that his father purchased a property from the third respondent, herein, in Survey Nos.1172/13 and 1172 / 14 along with a building in Door No.1/91, Tharur Village, Agastheswaram Taluk, Edalakudi Sub-Registration District, Kanyakumari District. The sale deed was registered on 25.11.2002. The petitioner states that his father has been enjoying the property without any hindrance and that his father executed a settlement deed in favour of the petitioner, on 18.08.2005. The petitioner further states that the petitioner demolished the building and started to construct a new building in the same property, after obtaining loan from the Government. At the instigation of the third respondent



herein, he was threatened to vacate the property by the second respondent. The petitioner further states that he was also forced to execute a deed in favour of the third respondent. It is in these circumstances, the petitioner has filed the present petition to give adequate police protection.

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4. The petitioner claims title and enjoyment of the property which was stated to have been purchased by his father. If his possession and enjoyment over the property is disputed by any individual, petitioner's remedy is to approach the competent Civil Court for appropriate relief. After getting a declaration as to his title and enjoyment, if any third party commits any offences as against the petitioner, in relation to the property, it is open to the petitioner to approach the second respondent police, who may register the same, if a cognizable offence is made out. The physical threat of dispossession is not a matter, which can be dealt with, by the respondent police, as it is within the exclusive jurisdiction of the Civil Court to decide as to who is in possession. Hence, this petition is dismissed. However, liberty is given to the petitioner to approach the competent Civil Court for appropriate relief.

Sd/-

Assistant Registrar (A.E)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.A.RAMASAMY Advocate in SR. No.76886
CMR
JS/MR.KKR/SAR.4/19.09.2017/2P-5C

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