

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.04.2017****CORAM:****THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN****Criminal Original Petition (MD) No.4419 of 2017**

Karu.Shanmugham

... Petitioner

Vs.

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Sub-Inspector of Police,
Thirukostiyur Police Station,
Thirukostiyur, Thirupathur Taluk,
Sivagangai District.

3.M.Dainees

... Respondents

PRAYER:This petition is preferred under Section 482 Cr.P.C to direct the respondents 1 and 2 herein to provide police protection to the petitioner to remove the illegal steel wired fence and the gate put up by the third respondent in their property comprised in S.No.605/15 Velliyathur Village, Thirupathur Taluk, Sivagangai District, measuring an extent of 3 acres 8 cents.

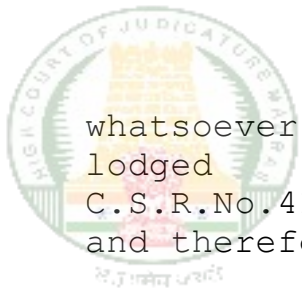
For Petitioner	: Mr.K.Selvam
For R-1 and R-2	: Mr.A.P.Balasubramani, Government Advocate(Crl. Side)

ORDER

The petitioner approaches this Court with a prayer to direct the respondents 1 and 2 herein to provide police protection to the petitioner to remove the illegal steel wired fence and the gate put up by the third respondent in their property comprised in S.No.605/15 Velliyathur Village, Thirupathur Taluk, Sivagangai District, measuring an extent of 3 acres 8 cents.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the State and also perused the materials available on record.

3. The learned counsel appearing for the petitioner would submit that though he is having the benefit of preliminary decree in a suit for partition, the third respondent, who has no right



whatsoever, has put up a lock and in this regard, he has also lodged a complaint, which has been assigned C.S.R.No.41 of 2017, dated 27.03.2017, no action has been taken and therefore, prays for appropriate police protection.

4. The learned Government Advocate(Crl. Side) appearing for the second respondent on instructions would submit that if the complaint in C.S.R.No.41 of 2017 on preliminary enquiry discloses commission of cognizable offences, appropriate action would be taken against the concerned offending persons.

5. The said submission made by the learned Government Advocate(Crl. Side) appearing for the second respondent is taken on record.

6. Therefore, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

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

2.The Sub-Inspector of Police,
Thirukostiyur Police Station,
Thirukostiyur, Thirupathur Taluk,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.K.SELVAM, Advocate, SR No. 51967/17.

PM

PSM/MMS/04.05.2017/2P/5C

Cr1.O.P(MD) .No.4419 of 2017
13.04.2017