



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.4633 of 2017

C.Swaminthan

... Petitioner

-vs-

1.The Commissioner of Police
Madurai City Police,
Alagarkovil Road, Madurai.

2.The Inspector of Police
Tallakulam Police Station,
Madurai City Police
Madurai.

3.R.Srinivasan

4.S.Kalarani

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents to take appropriate legal action against the 3rd and 4th respondents and provide adequate police protection to the petitioner and his family members on the basis of the representation dated 02.03.2017 from the life threatening of the accused persons.

For Petitioner : Mr.T.K.Gopalan

For Respondents : Mr.A.P.Balasubramani for R1 & R2

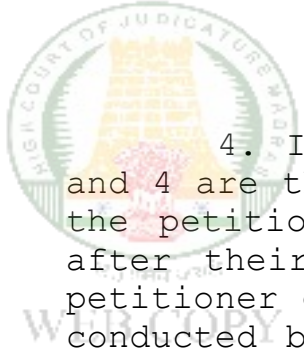
Government Advocate (Crl. side)

O R D E R

This petition has been filed for a direction to the respondent police to take appropriate legal action against the 3rd and 4th respondents and provide adequate police protection to the petitioner and his family members on the basis of the representation dated 02.03.2017 from the life threatening of the accused persons.

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

3. Mr. M. Rajkumar, Sub Inspector of Police, Tallakulam Police Station, Madurai, is present before this Court.



4. It is the case of the petitioner that the respondents 3 and 4 are the servants in the house of the petitioner and that when the petitioner asked them to vacate, they are not vacating, even after their services have been terminated. In this regard, the petitioner gave a complaint, based on which, a petition enquiry was conducted by the 2nd respondent and in the course of enquiry, the respondents 3 and 4 were called. During enquiry, it was brought to the notice of the police that the respondents 3 and 4 have filed O.S.No.415/2016 before the Principal District Munsif, Madurai against the petitioner herein and the suit is pending. Therefore, the police refused to interfere in the civil dispute between the petitioner and the respondents 3 and 4 and have closed the petition enquiry.

5. This Court does not find any infirmity in the action of the police in closing the petition enquiry in a dispute of this nature, where the police cannot interfere. However, the learned counsel for the petitioner placed strong reliance upon the judgment of the Hon'ble Supreme Court in *Behram Tejani & Ors. v. Azeem Jagani in Civil Appeal No.150 of 2017 dated 06.01.2017*, wherein the Supreme Court have stated that servants and care takers cannot have any title to the property and Court should not give them protection. Under such circumstances, the prayer of the petitioner for a direction to the police to take legal action against the respondents 3 and 4 cannot be granted, in view of the pendency of O.S.No.415/2016 between the parties. However, the police shall ensure that no harm befalls the petitioner at the hands of the respondents 3 and 4.

With the above direction, this criminal original petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

RR

To:

- 1.The Commissioner of Police
Madurai City Police, Alagarkovil Road, Madurai.
- 2.The Inspector of Police
Tallakulam Police Station,
Madurai City Police Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. T.K. GOPALAN, ADVOCATE SR: 52846