



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.9283 of 2017

WEB COPY

1.M.Pandi

2.M.Kasimayan

.. Petitioners

-Vs-

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Kurangani Police Station,
Bodinaickanur, Theni.

3.S.Backialakshmi

4.Sethuraman

.. Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the respondents herein to provide police protection to the petitioners' life and their property as per the complaint dated 14.07.2017 and pass such further of other orders.

For Petitioners : Mr.A.Mithun Chakravarthi
For RR 1 and 2 : Mr.K.Anbarasan
Government Advocate(Crl.Side)

O R D E R

This is an application seeking a direction to the official respondents to provide police protection to the petitioner's life and their property as per the complaint, dated 14.07.2017.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the State.

3.The learned counsel for the petitioner would submit that the petitioners have purchased the property from the lawful owners of the property by virtue of the sale deed obtained in the year 1988. He further submitted that they executed a registered mortgage deed on 09.06.2014 in favour of the third respondent. The petitioners have further entered into another agreement on the same day. In
<https://hc.services.ecourts.gov.in/hc/services/> of interest for the said amount, the petitioners handed over possession of property itself.



4. The learned counsel for the petitioner further submitted that after returning the possession, the third respondent demanded to execute sale of the property in lieu of repayment of mortgage loan and threatened the petitioners and hence they approached the respondent police with the case that the petitioners cannot be deprived of their property and that will be prima facie against law. It is open to the petitioners to approach the Civil Court to establish their right that they cannot be compelled to sell their property. The petitioners are entitled to approach the respondent if they are threatened. If the complaint is not registered, the petitioners have a remedy to approach the jurisdictional Magistrate under Section 156(3) of Criminal Procedure Code.

5. Instead, the petitioners have approached this Court for the relief of police protection to the petitioners and their property. In the above circumstances, this Criminal Original Petition is dismissed as not maintainable with the liberty preserved as above.

Sd/-

Assistant Registrar(P&A)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Superintendent of Police, Theni District.

2.The Inspector of Police,
Kurangani Police Station,
Bodinaickanur, Theni.

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

+1cc to M/S.A.MITHUN CHAKRAVARTHI, Advocate SR.No.66441

das/pjl

MAS/KK/SAR2:02.08.2017:2P-5C

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