



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 12.04.2017**

CORAM

**THE HONOURABLE MR. JUSTICE P.N. PRAKASH****Crl.O.P. (MD) No.23418 of 2015**

1. Johnson

2. Jannet

... Petitioners

-vs-

1. The Superintendent of Police,  
Kanyakumari District,  
at Nagercoil.

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

3. Sibi

4. Arul

5. Pirasofi

... Respondents

***(R3 to R5 impleaded vide order dated 12.04.2017)***

**Prayer:** Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent 1 & 2 to provide adequate police protection to the petitioners while they doing their construction activities in their property comprised in Survey No.329/5b of Ehzudesam Village.

|                 |                           |
|-----------------|---------------------------|
| For Petitioners | : Mr.K.P.Narayanakumar    |
| For R1 & R2     | : Mr.K.Anbarasan          |
|                 | Govt. Advocate (Crl.Side) |
| For R3 to R5    | : No Appearance           |

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**O R D E R**

This petition has been filed to direct the respondent 1 & 2 to provide adequate police protection to the petitioners at the time of doing their construction activities in their property comprised in Survey No.329/5b of Ehzudesam Village.

2. It is the case of the petitioners that they are the owners of the property in S.No.329/5b, Ehzudesam Village in Kanyakumari District and they, having purchased the same on 23.05.1995 from Areefabeevi and Nataraja Panniker, wanted to put up a compound wall and at that time, the children of one Clement prevented the petitioners and therefore, the petitioners gave a representation dated 21.09.2015 and thereafter, has filed the present petition with the above prayer.

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

3. It is seen that on the complaint given by the petitioner, a



case in Crime No.325 of 2015 has been registered by the respondent police for offences under Sections 147, 148, 447, 427, 294(b), 341, 323, 190(b) and 506(ii) IPC against Sibi and others. After investigation, the case in Crime No.325 of 2015 has been closed as Mistake of Fact on 10.09.2015.

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4. In the considered opinion of this Court, much water must have flown under the bridge after 21.09.2015 and therefore, the prayer has become stale. If still there is any threat to the petitioners or their family members from the children of Clement, it is open to the petitioners to give a fresh complaint to the 2nd respondent and on such complaint being given, the same shall be enquired into and action taken in accordance with law.

5. With the above observation, this petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

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

Madurai.

+1cc to Mr.K.P.NARAYANA KUMAR Advocate in SR. No.52111

AR

JS/KP/SAR.4/2P-5C/2.05.2017

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**12.04.2017**