



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM

THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

Crl.O.P.(MD) No.1451 of 2018

WEB COPY

J.H.A. Mohammed Habeeb

... Petitioner

-Vs-

1.The Commissioner of Police,
Thiruneveli City.2.The Assistant Commissioner of Police,
Thirunelveli City.3.The Inspector of Police,
Palam Police Station,
Thirunelveli City.

4.S.Arvind @ Arvind Subramanian

... Respondents

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to direct the second respondent nos. 1 to 3 to provide Police Protection to the petitioner's life and limb by considering his representation dated on 04.04.2017 within a period that may be stipulated by this Court.

For Petitioner : Mr. R. Gandhi

For Respondents : Mr.Prabhu Ramachandran

Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the respondent nos. 1 to 3 to provide necessary police protection to the petitioner's life and limb, by considering the petitioner's representation dated 04.04.2017.

2. The learned counsel appearing for the petitioner has submitted that the fourth respondent is the adjacent land owner of the petitioner and since he tried to trespass into the petitioner's property, the petitioner has filed a suit in O.S.No.94 of 2011 on the file of the Additional District Munsif, Thirunelveli and after full trial, the said suit was decreed on 17.03.2014. Against the said Judgment and decree, the fourth respondent has filed an appeal before the Sub Court, Thirunelveli and the same is still pending. He further submitted that the appellate Court has not granted stay for executing the decree passed by the trial Court. He further submitted that the fact remaining so, the fourth respondent being a Scheduled Caste member gave a false complaint against the petitioner under the Scheduled



Caste and Scheduled Tribes Act, 1989 and the third respondent after investigation, referred the said case as "mistake of fact". He further submitted that the fourth respondent is now threatening the petitioners's life and limb and hence, the petitioner has submitted a petition before the respondent nos. 1 to 3 on 04.04.2017, but, so far no action has been taken.

3. The learned Government Advocate (Crl. Side) has submitted that the said petition is still pending for enquiry.

4. Admittedly, the petitioner has got a decree against the fourth respondent restraining him from interfering with his possession of his property and even though, the fourth respondent has filed an appeal, stay has not been granted. In such a case the petitioner can file an Execution Petition to execute the decree. Further, the third respondent is directed to enquire the matter and if the enquiry reveals any cognizable offence, then, he has to register a case and proceed in accordance with law. In case the enquiry reveals only a civil dispute, then, he can direct the parties to work out their remedy before the Civil Court.

5. With the aforesaid observations, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Thiruneveli City.

2.The Assistant Commissioner of Police,
Thirunelveli City.

3.The Inspector of Police,
Palam Police Station,
Thirunelveli City.

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

+1cc to Mr.R. Gandhi, Advocate Sr.No.45471

TRP

VB/JC/SAR4/21.02.2018/2P/6C