



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD)No.6654 of 2014

WEB COPY

T.Anbalagan

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Assistant Commissioner of Police,
(Law and Order), Srirangam,
Trichy.

3.The Inspector of Police,
Srirangam Police Station,
Trichy District.

4.M.Ramamoorthy

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C. praying to direct the third respondent not to interfere in civil dispute in the guise of giving police protection to enable the construction of compound wall by obstructing pathway in the land in S.No.206/2, Bharathi Street, Thiruvanaikovil, Srirangam, Trichy.

For Petitioner	: Mr.B.Saravanan
For R1 to R3	: Mr.K.Suyambulingabharathi, Government Advocate (Crl.Side)
For R4	: Mr.S.Gopalamanikandan

ORDER

This Criminal Original Petition is filed seeking a direction to the third respondent not to interfere in the civil dispute under the guise of giving police protection to enable the construction of compound wall by obstructing pathway in the land in S.No.206/2, Bharathi Street, Thiruvanaikovil, Srirangam, Trichy.

2. According to the petitioner, with regard to the right of using the pathway in T.S.No.2063/2, Bharathi Street, Thiruvanaikovil, Srirangam, Trichy, the petitioner has filed a suit in O.S.No.1554 of 2013 on the file of the District Munsif Court, Trichy against the fourth respondent. Pending the same, the fourth respondent has preferred a petition in Crl.O.P.(MD)No.3543 of 2014 before this Court seeking for police protection to the life and limb of the fourth respondent. This Court by an order dated 03.03.2014, directed the respondent police to give police protection to the life and limb of the fourth respondent/petitioner therein.



3. Taking advantage of the said order of this Court, the fourth respondent has attempted to put up construction of compound wall in the said disputed property. Further, the fourth respondent has preferred the present complaint before the respondent police against the petitioner. Therefore, the petitioner has filed the present Criminal Original Petition with the aforesaid prayer.

4. The learned counsel appearing for the fourth respondent would submit that there is a threat to the fourth respondent's life and limb. Therefore, the fourth respondent has obtained an order from this Court. He further submits that the fourth respondent has not obtained any interim order in the aforesaid suit. Therefore, the present Criminal Original Petition is liable to be dismissed.

5. The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 would submit that the petitioner has obtained an order of status quo from this Court on 29.04.2014 in the present Criminal Original Petition and therefore, the complaint of the fourth respondent is still pending.

6. Heard the learned counsel appearing for the petitioner, learned Government Advocate (Crl.side) appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

7. Considering the facts and circumstances of the case, this Court was pleased to issue a direction to the respondent police to grant police protection to the life and limb of the fourth respondent. However, the said direction would not bind on the respondent police to conduct an enquiry on the fourth respondent's complaint, after providing opportunity to the petitioner.

8. The learned counsel appearing for the petitioner submitted that there is no threat on the part of the petitioner against the fourth respondent as alleged in his complaint. In the light of the above statement, the third respondent is directed to provide police protection to the fourth respondent, in the light of the order passed in Crl.O.P.(MD)No.3543 of 2014 dated 03.03.2014. In view of the above direction, no further order is required in this Criminal Original Petition.

9. In the result, this Criminal Original Petition is dismissed. However, it is open to the parties, to seek their remedy before the civil Court for appropriate relief.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/



To

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Assistant Commissioner of Police,
(Law and Order), Srirangam,
Trichy.

3.The Inspector of Police,
Srirangam Police Station,
Trichy District.

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

+1CC to Mr.B.Saravanan, Advocate, SR.No.75004

+1CC to Mr.S.GOPALAMANIKANDAN, Advocate, SR.No.75510

Crl.O.P.(MD)No.6654 of 2014
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