



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.1605 of 2017

WEB COPY

1.K.Manickam
2.K.Thangarasu

: Petitioners

Vs.

1.The Superintendent of Police,
Trichy District, Trichy.
2.The Deputy Superintendent of Police,
Musiri Region, Trichy District.
3.The Sub-Inspector of Police,
Uppiliyapuram Police Station,
Thuraiyur Taluk, Trichy District.

4.P.Manickam

5.Rajammal

6.Usharani

7.T.Ananthan

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondents 1 to 3 to provide adequate police protection to the petitioners, their family members and their land in S.No.388/23 situated at Thenparanadu, Pachamalai, Thuraiyur Taluk, Trichy District to the extent of 4 acres.

For Petitioners : Mr.R.Gowrishankar

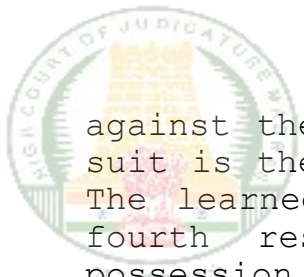
For R-1 to R-3 : Mr.K.Suyambulinga Bharathi
Government Advocate(criminal side)

For R-4 to R-7 : No Appearance

ORDER

The criminal original petition has been filed for a direction to the respondent police to provide police protection.

2. It is seen from the records that the fourth respondent and his brother filed a suit in O.S.No.142 of 2000 before the learned District Munsif Court, Thuraiyur, seeking for a permanent injunction



against the petitioners herein. The property involved in the said suit is the same property which is subject matter in this petition. The learned District Munsif Court has categorically held that the fourth respondent and his brother have not established the possession in the suit property. Therefore, the suit came to be dismissed by a judgment and decree dated 22.11.2016. This was confirmed by the Appellate Court by judgment and decree dated 05.10.2017 and the judgements of the Civil Court has become final.

3. After having lost before a competent Civil Court, the fourth respondent and other private respondents have no right to interfere with the possession of the petitioners, in the property in question.

4. The petitioners has given a representation to the respondent police on 31.01.2018 seeking for police protection, since there was a threat to the life and property. This representation was also received by the third respondent. On receipt of the representation, the respondent police have conducted an enquiry. Since the appeal was pending at the relevant point of time, the complaint was closed. Now that the appeal has also been dismissed, if the petitioner finds that the private respondents are continuing to cause threat to life and property of the petitioners, liberty is given to the petitioners to give a fresh complaint to the respondent police specifically pointing out the threat that they are facing from the private respondents.

5. If the third respondent receives any fresh representation from the petitioners seeking for protection, the same may considered and if the situation warrants protection, the same may also be granted to the petitioners. The third respondent shall also ensure that the private respondents do not interfere with the possession of the petitioners, after having lost before the Civil Court. It is also left to the third respondent to take further action in accordance with law.

6. With the above directions, the criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Munsif Judge, Thuraiyur.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The Superintendent of Police,
Trichy District, Trichy.



3.The Deputy Superintendent of Police,
Musiri Region, Trichy District.

4.The Sub-Inspector of Police,
Uppiliyapuram Police Station,
Thuraiyur Taluk, Trichy District.

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

+1CC to Mr.R.Gowrishankar, Advocate in sr.no.82591.

SJI

DS SKN SAR-4 :26.09.2018: 3P/7C

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05.09.2018