



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.7486 of 2018

WEB COPY

M.Thangarajpandian

.. Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2. The Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.

3. Muthudurai @ Navaneethakrishnan

4. Maruthapandian

5. Vellaichamy

6. Durai @ Anantharaman

7. Vellaipandian

.. Respondents

Petition is filed under Section 482 of the Criminal Procedure Code to direct the second respondent to provide adequate police protection to remove the unlawful fencing put up by the respondents 3 to 7, on the basis of the petitioner's representation, dated 21.04.2018, preferred by the petitioner in accordance with law.

For Petitioner : Mr.M.Sankar

For R1 & R2 : Mr.Prabhu Ramachandran

Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the second respondent to provide adequate police protection to remove the unlawful fencing put up by the respondents 3 to 7, on the basis of the petitioner's representation, dated 21.04.2018.

2.According to the learned counsel for the petitioner, the petitioner made a complaint to the respondents 1 and 2 on 21.04.2018 seeking police protection alleging that the proposed accused has put up fencing in the property when the Civil Suit in O.S.No.266 of 2017 filed by the petitioner is pending before the Principal Subordinate Court, Tenkasi. Since no action has been taken on the petitioner's complaint, this Criminal Original Petition has been filed.

3.The learned Government Advocate (Criminal side) submitted that the petitioner's complaint was enquired and after enquiry, it was found that the dispute between the parties is purely civil in nature and therefore, the said complaint has been closed.



4.Considering the fact that the civil suit filed by the petitioner for declaration and permanent injunction is pending before the Principal Subordinate Court, Tenkasi, the present complaint made by the petitioner to remove the unlawful fencing put up by the respondents 3 to 7 could not be considered in the present criminal original petition. It is for the petitioner to work out his remedy before the Civil Court, if he is so advised.

5.In view of the above, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P. (MD) No.7486 of 2018
05.06.2018

SMN2
ES/KKR/SAR 1/13.06.2018/2P/4C