



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

WEB COPY

Crl.O.P.(MD)No.9096 of 2017

D.Ramasamy

: Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.

3.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

4.Thiyagarajan

5.Saravanan

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondents to give police protection for the petitioner and his family members life and limb and fencing the petitioner's land in survey No.235/21 with an extent of 3 acrs situated at Vellur Village, Orathanadu Taluk, Thanjavur District.

For Petitioner

: Mr.M.Ramu

For Respondents 1 to 3

: Mr.K.Suyambulingabharathi
Government Advocate (Crl. Side)

For Respondent No.4

: Mr.H.Arumugam

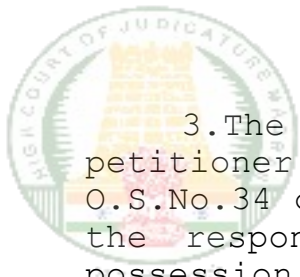
For Respondent No.5

: No appearance

O R D E R

This petition has been filed seeking a direction to the respondents to give police protection for the petitioner and his family members' life and limb and fencing the petitioner's land in survey No.235/21 to an extent of 3 acrs situated at Vellur Village, Orathanadu Taluk, Thanjavur District.

2.The petitioner has preferred a complaint before the respondent Police to take action against the proposed accused Nos.4 and 5. But, no action has been taken so far and hence, the petitioner is before this Court with the present petition.



3.The learned Counsel for the petitioner would submit that the petitioner has obtained an ex-parte decree before the Civil Court in O.S.No.34 of 2016, on 24.04.2017. It is further submitted that now, the respondents 4 and 5 have interfered with the petitioner's possession and damaged the fencing. Therefore, the petitioner has preferred a complaint.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner's complaint has been inquired into and the parties have been directed to approach the Civil Court.

5.Learned Counsel for the fourth respondent would submit that subsequent to the ex-parte decree passed by the District Munsif cum Judicial Magistrate Court, the fourth respondent has filed an application to set aside the ex-parte decree and the same is pending at the SR stage. Therefore, the respondent police has rightly rejected the complaint preferred by the petitioner.

6.From the aforesaid submissions, it is seen that the petitioner, only after having obtained the ex-parte decree has preferred the present complaint against the respondents 4 and 5 for the alleged interference with the petitioner's possession in respect of the suit property and therefore, the fourth respondent has also now preferred an application to set aside the ex-parte decree and the same is pending.

7.In view of the fact that the aforesaid application seeking to set aside the ex-parte decree is pending, it is open to the petitioner to file an appropriate application before the competent Civil Court to seek the remedy.

8.In the light of the above, the present Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-I)

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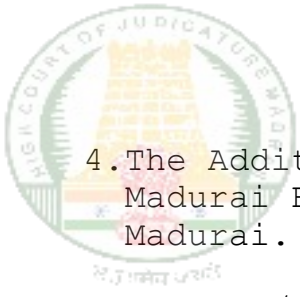
Sub Assistant Registrar(CS-III)

To

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

2.The Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.

3.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.



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

+1cc to M/S.M.Ramu, Advocate SR.No. 74914

+1cc to M/S.H.Arumugam, Advocate SR.No. 74619

Crl.O.P. (MD) No. 9096 of 2017
23.07.2018

mr

JM/RP/SAR 3/11.08.2018/3P/7C