



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P. (MD)No.9438 of 2018

Nelson

... Petitioner

Vs.1. The Superintendent of Police,
Kanyakumari District.2. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.3. A.Jeyashing
4. Y.Muthumalar

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to give adequate police protection to the life and limb of the petitioner as well as his family members on the basis of his complaint to the first and second respondents, dated 24.05.2018.

For Petitioner : Mr.S.Ramasamy,
For R1 & R2 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)

O R D E R

This application is filed seeking for a direction, directing the the second respondent to give adequate police protection to the life and limb of the petitioner as well as his family members on the basis of the complaint given by the petitioner to the first and second respondents, dated 24.05.2018.

2.The learned counsel for the petitioner would submit that the petitioner has given a complaint to the second respondent, against the third and fourth respondents and the case has been registered in Cr.No.402 of 2017 for the offence under Sections 294(b), 323, 506 (ii) of IPC. Thereafter, the third and fourth respondents also gave a complaint to the second respondent against the petitioner and the case has been registered in Cr.No.398 of 2017 for the offences under Sections 323 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Now, the second respondent has threatened the petitioner at the instigation of the



third and fourth respondents and hence, the petitioner has made a complaint to the respondent police seeking police protection.

3.The learned Government Advocate (Crl.side) would submit that the case in Cr.No.402 of 2017 was closed as 'Mistake of fact' and the closure report was also served to the petitioner and the petitioner has refused to receive the same and hence, the same was affixed on the door of the petitioner by the Village Administrative Officer.

4.He further submitted that in Cr.No.398 of 2017 charge sheet has been filed and the same is pending before the learned Judicial Magistrate No.II, Kuzhithurai. Now, the petitioner has filed the present petition seeking police protection and the same cannot be granted.

5.It is seen from the records that the dispute between the parties relates to civil in nature. Therefore, in the event of obtaining any interim orders from the Civil Court, the petitioner can approach the respondent police to seek police protection. Therefore, at this stage, this Court cannot grant the aforesaid prayer sought for by the petitioner and hence, this Criminal Original Petition is dismissed with liberty to the petitioner to approach the Civil Court, if necessary.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

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

+ 1 CC TO Mr.S.RAMASAMY, ADVOCATE IN SR No. 67978

AM

TE/JC/SAR-3 : 28/06/2018 : 2P/5C