

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18826 of 2019

K.Mathaiyan

... petitioner

Vs.

1.The Deputy Superintendent of Police,
Pennagaram,
Dharmapuri District.

2.The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.

3.G.Manogaran
4.G.Sakthivel
5.G.Thirumurugan
6.G.Suresh
7.Tmt.Rajammal

...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to provide adequate police protection to the petitioner's life and property situated in Survey No.212/11A 3 cents at Nerkunthi Village, Dharmapuri Taluk and Dharmapuri District, on the basis of the representation given by the petitioner to the respondents on 18.06.2019 on the light of judgment and decree in O.S.No.147 of 2015, dated on 26.10.2017, on the file of the District Munsif Court, Dharmapuri.

For Petitioner : M/s.B.Sundarapandian

For Respondents: Mr.C.Raghavan
Government Advocate (Crl.side)
for R1, R2
Mr.C.Prabakaran for R3 to R4

ORDER

This petition has been filed seeking for police protection.

2. It is seen from records that the petitioner has filed a suit in O.S.No.147 of 2015, against the counter party and has obtained an ex-parte decree in the year 2017. Similarly, the counter party have also filed a suit against the petitioner, with regard to the very same property in O.S.No.150 of 2015, before the same Court and the same is pending. In the meantime, since the counter parties have exerted threat and attempting to interfere with the possession and enjoyment of the property, the petitioner gave a representation to the respondent police seeking for police protection. Since it has not been acted upon the present petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that till date the ex-parte decree that was passed in O.S.No.147 of 2015 remains in force and the application filed by the counter party to set aside the ex-parte decree was allowed by imposing condition and since the counter party did not comply with the condition, the petition filed by them was dismissed. Only now the counter party has taken steps to file a Civil Revision Petition before this Court.

4. The learned counsel appearing on behalf of respondents 3 to 7 submitted that admittedly the suit filed by the counter parties is pending before the same Court in O.S.No.150 of 2015 and the suit has been filed for declaration and injunction. The learned counsel further submitted that the Civil Revision Petition has been filed before this Court, challenging the dismissal of the petition to set aside the ex-parte decree.

5. Taking into consideration the facts and circumstances of the case, the relief as sought for by the petitioner cannot be granted by this Court. The respondent police is directed to conduct an enquiry by calling the parties. If the dispute is with regard to the property, the respondent police shall not interfere with the same and he shall relegate the parties to the Competent Civil Court. If there is any threat to life of the petitioner, the respondent police shall instruct the counter parties not to cause any threat to the petitioner.

6. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Pennagaram,
Dharmapuri District.

2.The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.

3.The Government Advocate,
High Court, Madras.

+2cc to M/s.C.Prabakaran, Advocate Sr.65783

+1cc to M/s.B.Sundarapandiyan, Advocate Sr.66417

Crl.O.P.No.18826 of 2019

cp[co]
srg 05/09/2019

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