



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P. (MD)No.6315 of 2019

Periyasamy

... Petitioner

/Vs./

1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai, Pudukkottai District.

2.The Inspector of Police,
K.Pudupatti Police Station, Pudukkottai District.

3.Muthusamy

4.Solai

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the respondents 1 & 2 to give police protection to erect the fencing stone in Survey No.85/40 with an extent of 0.07.5 hectares, Survey No.85/42 with an extent of 0.03.0 hectares, Survey No.85/43 with an extent of 0.02.0 hectares situated at Vadapagam, Keelani laikottai Village & Post, Thirumayam Taluk, Pudukkottai District, but till date not considered the petitioner's representation dated 08.02.2019.

For Petitioner : Mr.E.Balasubramanian

For R-1 & R-2 : Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

This petition is filed to direct the respondents 1 & 2 to give police protection to erect the fencing stone in Survey No.85/40 with an extent of 0.07.5 hectares, Survey No.85/42 with an extent of 0.03.0 hectares, Survey No.85/43 with an extent of 0.02.0 hectares situated at Vadapagam, Keelani laikottai Village & Post, Thirumayam Taluk, Pudukkottai District, but till date, the respondent police has not considered the petitioner's representation dated 08.02.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that the petitioner has preferred a suit in O.S.No.116 of 2016 for bare injunction to his peaceful possession over a piece of immovable property for not being disturbed by the respondents 3 and 4 herein. He also added that the suit came to be decreed, yet the petitioner faces threat to his life, limb and liberty.

4. The learned Additional Public Prosecutor submitted that the complaint preferred by the petitioner is pending.



5. The petitioner is reminded that there exists a provision called Order 21 Rule 32 CPC and it will not be a crime if this provision is resorted to by the petitioner rather than imposing burden on this Court.

6. For the present, if the petitioner alleges that he faces threat to his life, limb and liberty from the respondents 3 & 4, he is directed to give a fresh complaint to the second respondent and on such fresh complaint, the second respondent is directed to cause such necessary enquiry on the complaint filed by the petitioner and take such appropriate decision as may be necessary to protect the life, limb and liberty of the petitioner. It is made clear that this Court does not order granting of police protection 24 x 7 and the second respondent is left to decide on the basis of the objective assessment of the threat perception of the petitioner from time to time.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai, Pudukkottai District.
 - 2.The Inspector of Police,
K.Pudupatti Police Station, Pudukkottai District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.E.BALASUBRAMANIAN, Advocate SR-64252.

Sm

Cr1.O.P. (MD)No.6315 of 2019
29.04.2019

CS: (04/06/2019) 2P 5C