



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.07.2019
CORAM:
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P. (MD) No.9166 of 2019

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Imam Oli

: Petitioner

Versus

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

2.State represented by
The Inspector of Police,
Ganesh Nagar Police Station, Pudukottai District.

3.Ramasamy : Respondents

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to issue necessary direction to the second respondent Police to give Police protection to the petitioner.

For Petitioners : Mr.V.Singan

For R-1 & R-2 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.side)

ORDER

This petition has been filed to direct the second respondent Police to give police protection to the petitioner.

2.The grievance of the petitioner is that, the petitioner is the first accused in a criminal case. There was a dispute between the petitioner and the third respondent, hence, the third respondent filed a complaint before the second respondent Police. Based on the complaint given by the third respondent, a First Information Report has been registered against the petitioner for the offences under Sections 120(B), 420, 465, 468, 471, 447 and 3 (1) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, and the same is pending for trial in S.C.No.148 of 2018 before the Principal Sessions Court, Pudukottai. In the meantime, the petitioner has filed a suit in O.S.No.196 of 2017, before the Sub Court, Pudukottai, against the third respondent and also obtained an interim order of interim



injunction. Despite the order of injunction, the third respondent is interfering with the petitioner's possession, hence, the petitioner has filed this present petition seeking Police protection.

3. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2, on instructions, submitted that already, the petitioner has filed a similar petition before this Court in Crl.O.P.(MD).No.5938 of 2019 and this Court, by order dated 25.04.2019, is not inclined to grant Police protection to the petitioner and also directed the petitioner to approach the second respondent Police to give a fresh complaint against the third respondent and if any such complaint is filed by the petitioner, the second respondent Police is directed to conduct the enquiry. The above said order reads as follows:-

"6. For the present, if the petitioner continues to face any threat perception to his life, limb, liberty and right to property, he is directed to prefer a fresh complaint / representation to the first respondent, whereupon the first respondent shall cause such necessary enquiry on the complaint given by the petitioner and take such appropriate decision as may be necessary to protect the life, limb, liberty and right to the property of the petitioner. It is made clear that this Court does not order granting of Police Protection 24 X 7 and the first respondent is left to decide on the basis of the objective assessment of the threat perception of the petitioner from time to time."

4. Pursuant to the order passed by this Court, the petitioner has approached the second respondent and filed a second complaint. The complaint has been enquired into by the second respondent Police and it has been closed as the dispute involved is civil in nature.

5. In the above circumstances, as the petitioner's complaint has been enquired into by the second respondent Police, and closed the same as only a civil dispute, the relief sought for by the petitioner cannot be granted. Accordingly, the Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /



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To

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

2.The Inspector of Police,
Ganesh Nagar Police Station, Pudukottai District.

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

Order made in
Cr1.O.P. (MD) No.9166 of 2019
Dated: 01.07.2019

ES/22.07.2019/3P/4C