



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM

THE HONOURABLE MR. JUSTICE **N.SESHASAYEE**

Cr1.O.P. (MD) No.19982 of 2018

P.Nallusamy ... Petitioner

Vs.

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

2.The State rep. by
The Inspector of Police,
Town Police Station,
Usilampatti Town, Madurai District.

3.Chellamani ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to provide adequate police protection to the petitioner and his family members's life and liberty by considering the representation dated 16.10.2018.

For Petitioner : Mr.K.K.Samy
For R-1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor
For R3 : Mr.M.S.Jeyakarthik

ORDER

The present petition is filed seeking protection to the petitioner and his family members to their life, limb, liberty and right to property at the hands of the third respondent.

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

3. The learned Additional Public Prosecutor submitted that a complaint preferred by the petitioner has been enquired and closed as it involved in a civil dispute. He also added that the third respondent has filed a suit in O.S.No.84 of 2018 before the District Munsif Court, Usilampatti, against the petitioner and the same is pending.

<https://hcservices.ecodrts.gov.in/hcservices/>

4. To this, the learned counsel appearing for the petitioner



submitted that the suit pertains to some other survey number and not to the property belongs to the petitioner.

5. Inasmuch as the civil dispute is pending, it is imperative that the petitioner works out his remedy as concerning his enjoyment of the property before the civil Court in O.S.No.84 of 2018 or in any independent suit or proceedings. Sofar as his prayer to protect his life, limb, liberty and right to property is concerned, the petitioner is now directed to prefer a fresh complaint / representation to the second respondent and on such fresh complaint, the second respondent shall cause such necessary enquiry in the complaint filed by the petitioner and take such appropriate decision as may be necessary to protect the life, liberty and right to the property of the petitioner.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Inspector of Police,
Town Police Station,
Usilampatti Town, Madurai District.

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

+1cc to Mr.K.K.SAMY, Advocate, SR.No. 58442

+1cc to Mr.M.S.JEYAKARTHIK, Advocate, SR.No.58263

Cr1.O.P. (MD) No.19982 of 2018

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