



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.12464 of 2019

WEB COPY

Abdul Wahab

... Petitioner

-Vs-

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

2. State rep.by
The Inspector of Police
Elathur Police Station,
Tenkasi Taluk,
Tirunelveli District

3. Kanthasamy Thevar

4. Velchamy Thevar

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, issue a direction to the first and second Respondents police to protect a Petitioner's peaceful Possession and enjoyment of the Property comprised in Survey No. 259/2 of Kadayanallur Town and prevent the Respondents 3 and 4 from illegally entering the property.

For Petitioner : Mr.S.Y.Massod
For R1 and R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

ORDER

This petition has been filed to direct the first and second Respondents police to protect a Petitioner's peaceful Possession and enjoyment of the Property comprised in Survey No. 259/2 of Kadayanallur Town and prevent the Respondents 3 and 4 from illegally entering the property.

2.Heard both sides.

3.The learned Government Advocate (criminal side) would submit on the complaint lodged by the petitioner enquiry has been conducted and the same was closed as 'allegations are civil in nature' and the closure report has also been filed before this Court.



4.It is seen that in respect of the property, the petitioner constrained to file a suit in O.S.No.199 of 2011 on the file of the learned Subordinate Judge, Tenkasi and the same was dismissed, as against which, the petitioner filed an appeal in A.S.No. 721 of 2018 on the file of the learned Principal District Judge, Tirunelveli. Therefore, the respondent police closed the complaint. At this stage, the prayer sought for by the petitioner cannot be considered.

5.With the above observation, this criminal original petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police
Tirunelveli,
Tirunelveli District
Tirunelveli.
2. The Inspector of Police
Elathur Police Station,
Tenkasi Taluk,
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.Y.MASOOD, Advocate (SR-85759[F] dated 06/09/2019)

Crl.O.P.(MD)No.12464 of 2019

06.09.2019

LS

_MK (23.09.2019) 2P 5C