



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.(MD) No.11262 of 2019

Guru.Muniyandi

: Petitioner

Versus

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

2.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.

3.Krishnamoorthy

4.P.Alagumathi

: Respondents

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code by directing the first respondent to direct the second respondent to give adequate Police protection to the life and limb of the petitioner from the threatening act of the respondent Nos.3 and 4, by considering the petitioner's complaint dated 11.07.2019, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 & R-2 : Mr.K.Suyambulinga Bharathi

Government Advocate (Criminal side)

O R D E R

This petition has been filed seeking a direction to the respondent Police to give adequate Police protection to protect the petitioner's property.

2.According to the petitioner, the third and fourth respondents are the petitioner's brother and his wife. The grievance of the petitioner is that the petitioner is the owner of the property in Survey No.1/1C, to an extent of 1 acre 65 cents situated in Meenavayal Village, "A" Pudur Panchayat of Sakkottai Union of Devakottai, Sivagangai District. Now the third and fourth respondents / petitioner's brother and his wife are interfering with the petitioner's property and threatening the petitioner. In the above circumstances, the petitioner filed an application before the



second respondent Police seeking Police protection. That was not considered by the second respondent Police, hence, the present petition has been filed.

3.Today, when the matter was taken up for hearing, the learned Government Advocate (Criminal side) appearing for the respondents, on instructions, submitted that, the petitioner is claiming right over the property in question through a settlement deed executed by his mother viz., Gurumeenakshi. Earlier, the petitioner's mother filed a suit in O.S.No.167 of 2011, before the District Munsif Court, Karaikudi, to declare the title and to cancel the settelement deed. Now the above suit was also decreed in favour of his mother and the appeal filed by the petitioner was also dismissed and the Second Appeal is pending before this Court. Since it is a civil dispute between the parties, at this stage, the respondent Police could not protect the petitioner's property.

4.Considering the fact that since it is a civil dispute between the parties, now the petitioner has also suffered a decree, the prayer sought for by the petitioner cannot be granted at this stage.

5.With the above observation, the Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.HAJA MOHIDEEN, Advocate (SR-80984[F] dated 09/08/2019)

Order made in
CrI.O.P.(MD) No.11262 of 2019
09.08.2019

TSG

MS/05.09.2019/2P.5C