

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21665 of 2015

Murugaiyan

... petitioner

Vs.

1.State rep.by
Inspector of Police,
Palaiyur.

2.S.Balasubramanian

3.Annamalai

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to register the complaint dated 18.02.2015 submitted by the petitioner, take necessary action against the accused persons, thereby giving protection to the property of the petitioner.

For petitioner : Mr.M.V.Venkataseshan

For Respondents: Mr.C.Iyyappa Raj

Additional Public Prosecutor for R1

A.S.Vijaya Raghavan for R2

O R D E R

This petition has been filed to direct the first respondent to register the complaint dated 18.02.2015 submitted by the petitioner and take necessary action against the accused persons, thereby giving protection to the property of the petitioner.

2. The contention of the petitioner is that he had purchased the property to an extent of 0.42 cents of land situated at Punjai Manikat with an old house therein from one Padma daughter of Kiruba Sankara Iyer vide sale deed dated 05.07.1991. From that day, the petitioner is in possession and enjoyment of the property. The petitioner had demolished the old house and kept the land vacant for putting up superstructure. The second respondent, who claims to be the owner of the adjacent property to the petitioner's land, attempted to alienate the property of

the petitioner to the third respondent herein, where the petitioner is in possession and enjoyment of the property for more than 12 years. Thereafter, the petitioner filed a suit for permanent injunction against the second and third respondents in O.S.No.93 of 2003 on the file of the Principle District Munsif Court, Mayiladuthurai and the same was decreed by Judgment dated 11.10.2004.

3. Aggrieved by the same, the 2nd and 3rd respondent filed an appeal in A.S.No.188 of 2004 before the Additional Sub-Court, Mayiladuthurai and the same was dismissed on 23.06.2005, which was later confirmed by this Court in S.A.No.47 of 2006 on 16.02.2012. Thereafter, annexing all the orders, the petitioner submitted a complaint to the first respondent on 18.02.2015. Though the petitioner having judgment and decree of this Court in his favour, the second and third petitioner, by using muscle power, restrained the petitioner from enjoyment of the property. Hence, he seeks protection for his life and property. Therefore, the petitioner lodged a complaint. Since the respondent failed to take action, he filed the present petition.

4. The Learned Additional Public Prosecutor submitted that on perusal of the records, it is seen that the petitioner has obtained a judgment and decree in his favour which has been confirmed by this Court in second appeal. Further, he submitted that the apprehension of the petitioner was in the year 2015 which is no more existed and there is no threat for his life and property now. Further, he submitted that if there is any threat to the petitioner's property or life, the petitioner can file a fresh complaint and the same could be immediately acted upon.

5. Recording the submission made by the learned Additional Public Prosecutor, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssb

To

1. Inspector of Police,
Palaiyur.

2.The Public Prosecutor,
High court, Madras.

CRL.O.P.No.21665 of 2015

BP (CO)

RMP (09/10/2020)