

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.14381 of 2020

P.Madhurajan

... Petitioner

Vs.

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

2.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

3. A.Rajendran

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to provide police protection to the petitioner and his family members by removing the fencing erected at the entrance of the petitioner's house situated at Door No.6-6/16, Ilampillai Village and Post, Salem Taluk and District based on the compliant of the petitioner dated 23.08.2020 to the 2nd respondent (CSR No.393 of 2020) enabling the petitioner to have ingress and egress of the house.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.S.Karthikeyan [R1 and R2]
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents 1 and 2 to provide police protection to the petitioner and his family members by removing the fencing erected at the entrance of the petitioner's house situated at Door No.6-6/16, Ilampillai Village and Post, Salem Taluk and District based on the compliant of the petitioner dated 23.08.2020 to the 2nd respondent (CSR No.393 of 2020) enabling the petitioner to have ingress and egress of the house.

2. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3. The learned counsel for the petitioner would submit that the petitioner has purchased the property comprised in Survey No.35/1A measuring to an extent of 697 sq.ft., out of 1.71 acres situates at Ilampillai Village, Salem Taluk and District from one Kandasamy Chettiyar for a valuable consideration on 09.09.1992 under a registered sale deed vide document No.923 of 1992. The adjacent property measuring to an extent of 2452 $\frac{1}{2}$ sq.feet and 123 $\frac{3}{4}$ sq.ft., out of 1.71 acres in the same survey number was purchased from one Nagarajan and Rajagopal vide document No.924 of 1992 on the file of the SRO, Magudanchavadi. While being so, the 3rd respondent is being the neighbour of the petitioner's property had trying to trespass in the petitioner's property and also trying to put up fence. Therefore, the petitioner was constrained to file a suit in O.S.No.262 of 2020 for declaration and injunction and it is pending on the file of District Munsif Court, Salem. While being so, the 3rd respondent put up fence in front of the petitioner's house and also damaged the tiles and wall of the petitioner's house. Therefore, the petitioner lodged a compliant before the 2nd respondent, on receipt of the same, the petitioner was issued C.S.R.No.393 of 2020. The 3rd respondent appeared before the 2nd respondent and the 2nd respondent conducted enquiry. The 3rd respondent submitted that he would remove the fence put up before the petitioner's house. Even as per the undertaking, the 3rd respondent would remove the fence and as such, he sought for police protection to remove the fence.

4. The learned Additional Public Prosecutor, submitted that on the compliant lodged by the petitioner, the 3rd respondent called for enquiry.

5. On perusal of the records, it is seen that the petitioner failed to produce the documents to show that he is the owner of the property. Therefore, enquiry was conducted and the same was closed.

6. Considering the above facts and circumstances, the petitioner is at liberty to file a fresh compliant, since the complaint already filed by the petitioner was closed, after conducting enquiry with the 3rd respondent. Hence, this petition is devoid of merits and therefore, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to

lodge a fresh compliant on fresh cause of action in the manner known to law, if he is so advised. If any compliant is lodged by the petitioner, the 2nd respondent police is directed to conduct enquiry, after issuing notice to both sides.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.C.Prabakaran, Advocate Sr.30365

Cr1.O.P.No.14381 of 2020

ssv[co]
srg 16/10/2020