



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 23.07.2020

DELIVERED ON : 29.07.2020

CORAM:

THE HONOURABLE **MR. JUSTICE R. PONGIAPPAN**

Crl.O.P. (MD)No.6923 of 2020

K.Kathirvel

... Petitioner

Vs.

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

2.The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Nagamalai Pudukkottai,
Madurai District.

3.Bathravathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents 1 and 2 to provide adequate police protection to the petitioner to his life and property over which he has possessory rights situated at SF.Nos.23/8, 24/5, 17/4 and 16/1, Atchampathu village, Madurai West, Madurai by considering his representation dated 20.06.2020.

For Petitioner: Mr.B.Saravanan

For R1 & R2 : Mr.S.Chandrasekar,
Additional Public Prosecutor

For R3 : Mr.S.Malaikani

ORDER

This criminal original petition has been filed seeking a direction to direct the first and second respondents police to give adequate police protection to the petitioner's life and limb.



2.The case of the petitioner is that the petitioner is a tenant of the land in survey Nos.23/8, 24/5, 17/4 and 16/1 situated in Atchampathu Village, Madurai West, Madurai. The above mentioned lands belonged to the trust, namely, M/s.Lala Sriranga Chathiram Trust and the petitioner is in enjoyment of the said property for the past 30 years continuously. The petitioner has been paying appropriate charges to the trust for the possession of the land. In earlier, the third respondent filed a petition in Crl.O.P.(MD)No.8147 of 2017 before this Court, in which he seeking a relief to grant police protection to fence the land in survey No.23/8. During the pendency of the said petition, a compromise has been entered between the petitioner and the third respondent, who is the Managing Trustee of the said trust. In the said compromise, only pathway issues were compromised. Further, the third respondent agreed the tenancy rights of the petitioner and also agreed to receive rent every year.

3.Though the said compromise, recognise the right of the petitioner, now the third respondent interfering with the peaceful possession of the petitioner and attempted to dispose the petitioner from the above mentioned property and therefore, it is necessary to give police protection to the petitioner. The learned counsel appearing for the petitioner would submit that after entering into compromise, the third respondent without any reason purposely entered into the field, in which the petitioner was in possession and attempted to dispose the petitioner from the property.

4.The learned Additional Public Prosecutor appearing for the first and second respondents would submit that on 16.09.2018, the petitioner and the third respondent entered one another compromise in which, the petitioner after receipt of a sum of Rs.1,00,000/-, handed over the possession of the petition mentioned property to the third respondent. Now, suppressing the same, the petitioner filed the present petition for police protection.

5.During the time of arguments, along with counter the third respondent filed type-set in which agreement entered between the petitioner and the third respondent was enclosed.

6.In the said agreement, the petitioner herein agreed to receive a sum of Rs.1,00,000/- and thereafter, handed over the possession of the disputed land to the third respondent. Suppression of said agreement reveals the fact that the petitioner has not approached this Court with clean hands. After receipt of Rs.1,00,000/- from the third respondent, filing this petition for police protection is unnecessary.



7. In view of the above, petition filed by the petitioner is devoid of merits and accordingly, this criminal original petition is dismissed.

WEB COPY

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

gns

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Madurai City, Madurai.
2. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Nagamalai Pudukkottai,
Madurai District.

Copy to

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

+1 CC to Mr.S. MALAIKANI, Advocate (SR-13321[F] dated
29/07/2020)

Order Made in
Crl.O.P. (MD) No.6923 of 2020
29.07.2020

KM (06.08.2020) 3P 5C