



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.07.2020**

**CORAM:**

**THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN**

**CRL OP(MD)No.7189 of 2020**

Velavendan

...Petitioner

Vs.

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

2.The Inspector of Police,  
Natham Police Station,  
Dindigul District.

3.Ganesan

4.Sumathi

...Respondents

**PRAYER:** Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 1<sup>st</sup> respondent to instruct the 2<sup>nd</sup> respondent to provide Police protection to the petitioner for his peaceful possession in Door No.1/159, Sub Registrar Opp, Sendurai Natham Taluk, Dindigul District, based on the representation of the petitioner dated 27.06.2020.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For Respondents : Mr.S.Chandrasekar  
(R1 & R2) Additional Public Prosecutor

**O R D E R**

This Criminal Original Petition has been filed seeking a direction, directing the 1<sup>st</sup> respondent to instruct the 2<sup>nd</sup> respondent to provide Police protection to the petitioner for his peaceful possession in Door No.1/159, opposite to Sub Registrar Office, Sendurai Natham Taluk, Dindigul District.

2. The case of the petitioner is that the father of the petitioner purchased a vacant site in the year of 1990 and built a house on 04.04.1996, where the petitioner and his parents lived there. When at the time the petitioner and his brother were minor, their parents are died. By taking advantage of that situation and on the pretext of safe guarding the petitioner, the 3<sup>rd</sup> and 4<sup>th</sup> respondents came and started living in the house, wherein the petitioner resided.



3. Thereafter, on 20.05.2018, the 3<sup>rd</sup> and 4<sup>th</sup> respondents started whitewash the house and when the same was questioned by the petitioner, the 3<sup>rd</sup> and 4<sup>th</sup> respondents said that they purchased the said house from one Rajammal, who is the grandmother of the petitioner on 29.03.2002. As of now, the 3<sup>rd</sup> and 4<sup>th</sup> respondents fabricated the false documents and made a false entry in the Sub Registrar Office. After knowing the malpractice committed by the respondents 3 and 4, the same was questioned by the petitioner, for which, the petitioner was severely attacked by the respondents 3 and 4 and thereafter, he was admitted in the hospital, as inpatient. Only after severe remarks made by this Court, the FIR has been registered in Crime No.570 of 2019. Though this Court passed a favourable order in favour of the petitioner that the petitioner has to be evicted from the petition mentioned house only under due process of law, after violating that order, the respondents 3 and 4 unlawfully drove out the petitioner from his own house. In the said circumstances, police protection is very much necessary to the petitioner for his peaceful possession of the property in question.

4. Mr.S.Chandrasekar, the learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that due to COVID-19 Pandemic situation, the 3<sup>rd</sup> respondent shifted his residence to Chengalpattu. Further, during the time of enquiry, the 3<sup>rd</sup> and 4<sup>th</sup> respondents were made an undertaking to vacate the house immediately after completion of the Pandemic situation. The submission made by the learned Additional Public Prosecutor is placed on record.

5. In the said circumstances, if the undertaking given by the respondents 3 and 4 are complied, the question of difficulty does not arise to the petitioner. However, the petitioner is at liberty to approach the 2<sup>nd</sup> respondent, if the 3<sup>rd</sup> and 4<sup>th</sup> respondents are not vacated the house within a period of four months from today.

6. With the above directions, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CSII)

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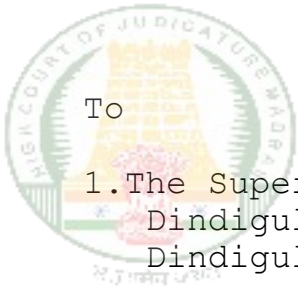
Sub Assistant Registrar(CS)

MPK

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.

<https://hccs.courts.gov.in/hccservices/>



To

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

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KB(22.07.2020) 3P 4C