



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.7543 of 2020

WEB COPY

Malaiyandi

... Petitioner

Vs.

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

2.State : Rep. by
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.

3.Krishnan

4.Sumathi

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 2nd respondent, the Inspector of Police, Vaiyampatty Police Station, Trichy District, to give necessary police protection to life and limb of the petitioner and his family members as and when required by the petitioner, by considering the representation of the petitioner, dated 11.07.2020.

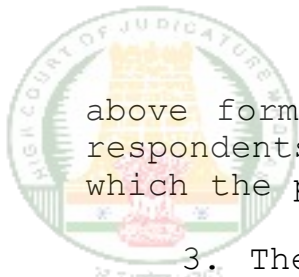
For Petitioner : Mr.G.Karnan

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 to direct the 2nd respondent to give necessary police protection to the life and limb of the petitioner and his family members, by considering the representation given by the petitioner dated 11.07.2020.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the Court auction purchaser of agricultural land to an extent of 4 acres 65 cents, comprised in S.F.No.501/2C, 501/2E, 501/2G, 501/3, 469/5B, 469/5D and 469/5C. After confirming the sale by the Court concerned, the petitioner was put into the possession on 10.10.2018. After completion of the



above formalities, in respect to the same property, the 3rd and 4th respondents collusively obtained a decree in O.S.No.552 of 2013 in which the petitioner was not arrayed as a party to the Suit.

3. The learned counsel would further submit that by using the collusive decree, the 3rd and 4th respondents forcibly and illegally tried to enter into the suit schedule property for which a case has been registered in Crime No.722 of 2020 dated 07.02.2020. Subsequently, the same respondents committed into one another occurrence for which another one case has been registered against them in Crime No.721 of 2020, on the file of the 2nd respondent Police. Therefore, the 3rd and 4th respondents constantly making trouble to the petitioner for which he gave a representation before the 2nd respondent on 11.07.2020 for seeking police protection.

4. Today when the petition is came up for hearing, the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2, on instructions, would submit that till now no petition has been received from the petitioner, by the 2nd respondent, however, he undertakes to provide police protection.

5. Upon considering the arguments advanced by the learned counsels appearing on either side, though the alleged complaint given by the petitioner was not received by the 2nd respondent, considering the fact that the petitioner is the Court auction purchaser, for the property referred above and also the property is in the possession of the petitioner, attempting to interfere with the peaceful possession of the petitioner without any title is nothing but illegal act committed by the 3rd and 4th respondents. However, since the 3rd and 4th respondents claiming the said property based on the decree dated 06.04.2018, the same has to be decided only by the competent Court of law. Therefore, it would be appropriate to give direction to the 2nd respondent to give police protection to the petitioner. The 2nd respondent is directed to give adequate protection to the petitioner, if necessary.

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

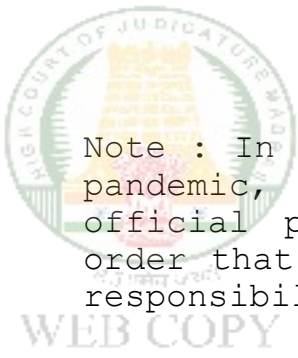
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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,
Trichy District,
Trichy.
- 2.The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL OP(MD)No.7543 of 2020
27.07.2020

AP(06/08/2020) 3P 4C