



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2020**

CORAM:

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

Crl.O.P.(MD)No.9096 of 2020

P.Ramakrishnan

... Petitioner

Vs.

1.The Superintendent of Police
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police
Vembakkottai Police Station,
Virudhunagar District.

3.The Sub Inspector of Police
Vembakkottai Police Station,
Virudhunagar District.

4.Kanagaraj

5.Mayakannan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the Respondents 1 to 3 to give adequate police protection to the petitioner for reforming his property which is situated in S.No.141/4, Thulukankurichi Village, Vembakkottai Taluk, Virudhunagar District, by considering the representation dated 12.08.2020.

For Petitioner : Mr.G.R.Satish

For R-1 to R-3 : Mr.S.Chandrasekar
Additional Public Prosecutor

For R-4 & R-5 : Mr.PM.Vishnuvarthanan

O R D E R

This petition has been filed seeking direction to the Respondents 1 to 3 to give adequate police protection to the petitioner for reforming his property, which is situated in S.No.141/4 Thulukankurichi Village, Vembakkottai Taluk, Virudhunagar District, by considering the representation dated 12.08.2020.

2.Today, when the petition is came up for hearing
<https://hcservices.murugos.in/hcservices> Mr.PM.Vishnuvarthanan, learned counsel takes notice for the



respondents 4 & 5.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 and 5.

WEB COPY

4.When the matter is came up for hearing, the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, on instructions, would submit that upon the complaint given by the petitioner, dated 13.08.2020, the third respondent herein initiated an enquiry in CSR.No.213 of 2020 and the same is pending on his file.

5.In this regard, the learned counsel appearing for the respondents 4 and 5 would submit that before completing the enquiry proceedings, the respondents 4 and 5 must be heard by the Enquiry Officer, which is necessary to put-forth their submission before the Enquiry Officer, since the dispute between the petitioner and the respondents 4 and 5 are civil in nature.

6.Considering the facts and circumstance of the case, it is not in dispute that the petitioner is having dispute with the respondents 4 and 5, in respect of landed property comprised in Survey No.141/4 Thulukankurichi Village, Vembakkottai Taluk, Virudhunagar District. In this regard, in order to establish his rights, the petitioner has produced the copy of the decree in O.S.No.31 of 2011, dated 20.09.2016, which was passed by the learned District Munsif, Sivagangai.

7.Now on going through the order passed by the learned District Munsif, Sivagangai, it appears that the above referred suit has been filed by the fourth respondent, in which the petitioner herein arrayed as second defendant, further, the suit has been filed for the relief of injunction. However, during the pendency of the suit, since the second plaintiff / fourth respondent herein has not appeared before the concerned Court. The said suit was dismissed for default, without any orders.

8.In this regard, the learned counsel appearing for the respondents 4 and 5 made a submission that earlier to the filing of the said suit, the petitioner himself has filed one another suit, in which no order was passed in favour of the petitioner.

9.Therefore, in the said circumstances, it is appropriate to direct the third respondent to conduct an enquiry after summoning the petitioner as well as the respondents 4 and 5 and during the time of enquiry if it is found, necessary protection will be given to the petitioner.



10. With the above observation, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police
Vembakkottai Police Station,
Virudhunagar District.
3. The Sub Inspector of Police
Vembakkottai Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-15371[F] dated 31/08/2020)

+1 CC to M/s.G.R. SATISH, Advocate (SR-15480[F] dated 01/09/2020)

Crl.O.P.[MD]No. 9096 of 2020
31.08.2020

AP(08/09/2020) 3P 7C