



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.09.2020**

CORAM:

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

CrI.O.P.(MD)No.9861 of 2020

Thokudu @ Muthukaruppan

... Petitioner

Vs.

Stat through

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

2.The Inspector of Police,
Somarasampettai Police Station,
Trichy District.

3.Mamundi

... Respondents

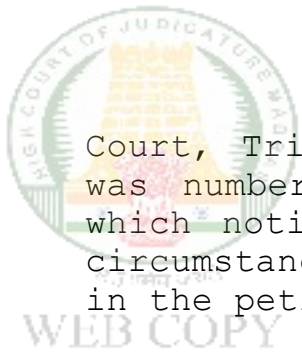
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to give a police protection for the petitioner's life and limb and his property in Iyan Punja Survey No.332/14 measuring 25 cents situated at Santhapuram, Athavathur Village, Srengam Taluk, Trichy District in accordance with law.

For Petitioner : Mr.C.Susi Kumar
For R1 and R2 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the second respondent to provide a adequate police protection to the petitioner's life and limb and to his property comprising in Iyan Punja Survey No.332/14 measuring 25 cents situated at Santhapuram, Athavathur Village, Srengam Taluk, Trichy District in accordance with law.

2.The learned counsel appearing for the petitioner would submit that in respect to the petition mentioned property, the petitioner instituted a suit for partition in O.S.No.340 of 2010 on the file of the First Additional District Munsif Court, Trichy. After elaborate enquiry, since the said suit has been dismissed, the petitioner herein preferred an appeal before the Subordinate



Court, Trichy, with the petition to condone delay and the same was numbered in I.A.No.2 of 2020 in A.S.SR.No.490 of 2020, in which notice was ordered to the third respondent. In the said circumstances, the third respondent herein attempted to interfere in the petitioner's possession.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that in earlier, on 15.07.2020, upon receipt of the representation given by the petitioner, the second respondent herein initiated an enquiry in C.S.R.No.389 of 2020, in which it was identified by the second respondent police that the dispute between the petitioner and the third respondent is civil in nature and therefore, the second respondent herein had closed the enquiry after advising the petitioner to approach the competent civil Court for getting appropriate relief. The said submission is recorded.

4.Now, on considering the rival submissions made by the learned counsels appearing on either side, it is not in dispute that since the suit filed by the petitioner for the relief of partition had dismissed, it cannot be said the petitioner is having the right in the petition mentioned property. In otherwise, only the competent Civil Court has to be determined the right of the petitioner. But in this case, no such right was finally adjudicated in favour of the petitioner. Therefore, it is not necessary to direct the respondent police to enquire the dispute and also to give police protection to the petitioner.

5.With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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

CrI.O.P.[MD]No.9861 of 2020
16.09.2020

SE(CO)
TR(06.10.2020) 3P 4C