



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P. (MD)No.12187 of 2020

WEB COPY

M.Kathikeyan

... Petitioner

vs.

1)The Director General of Police,
Chennai.

2)The Superintendent of Police,
Tuticorin District,
Tuticorin.

3)The Inspector of Police,
Kadambur Police Station,
Tuticorin District.

4)Subbiah

5)Muthusamy

6)Ramakrishnan

7)Manikandan

8)Senthil Nathan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 1st and 2nd respondents to give adequate police protection to the petitioner's life and limb from the respondent Nos.3 to 8 and consequently restrain the 3rd respondent from interfering with the civil dispute.

For Petitioner : Mr.M.Jerin Mathew

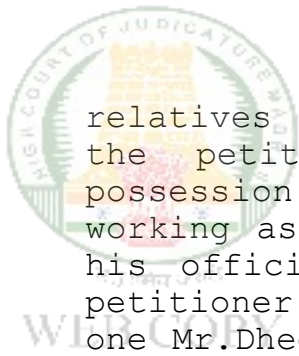
For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents to give adequate police protection to the petitioner's life and limb from the respondent Nos.3 to 8 and consequently restrain the 3rd respondent from interfering with the civil dispute.

2.The learned counsel for the petitioner would state that the petitioner and his brother inherited the properties in S.Nos.303/2 and 385 and 303/1 which were conveyed to their grandfather E.Kalimuthu from one Mrs.Seethalakshmi in the year 1988 and from the said date, the petitioner and their family members are in possession of the above properties. The said Seethalakshmi filed a suit in O.S.No.240/1971 for permanent injunction and obtained a decree in her favour. The respondents 4 to 8 who are the legal heirs and



relatives of the defendants in the above suit claiming right over the petitioner's property, created problems to his peaceful possession. He would further state that the 4th respondent is working as a Clerk in Kandamur Panchayat Union office and misusing his official position, the respondents 4 to 8 laid road on the petitioner's patta land and at the behest of the respondents 4 to 8, one Mr.Dheenadhayalan, Inspector of Police, Kadambur Police Station attacked the petitioner and the petitioner suffered bleeding injury on his ear and had been in treatment for 3 days in Government Hospital, Kovilpatti. The petitioner lodged a complaint dated 16.10.2020 to the 2nd respondent against the 3rd respondent police for the above act of attacking and causing injury to the petitioner, but no action was taken. Even thereafter, since the petitioner had been receiving continuous threat from the respondents 4 to 8, he is before this Court seeking police protection.

3.The learned Additional Public Prosecutor would state that initially, a complaint was given by the petitioner on 07.10.2020 and after enquiry, it was closed advising the parties to approach the revenue authorities for surveying the land and thereafter, a second complaint was given by the petitioner on 10.10.2020 which was forwarded to the Superintendent of Police who in turn forwarded the same to the Deputy Superintendent of Police, Maniyachi. The learned Additional Public Prosecutor would further state that the enquiry is pending and the representation of the petitioner dated 16.10.2020 will be disposed of by the respondents/police within a time frame to be fixed by this Court.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. In view of the order going to be passed, notice to respondents 4 to 8 is not necessary.

5.Recording the above submission made by the learned Additional Public Prosecutor, the respondents 1 to 3 are directed to consider and pass orders on the petitioner's representation dated 16.10.2020 after giving opportunity to the respondents 4 to 8 by following the guidelines laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610***. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

6.The Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(AD-II)

// 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 Director General of Police,
Chennai.

2)The Superintendent of Police,
Tuticorin District,
Tuticorin.

3)The Inspector of Police,
Kadambur Police Station,
Tuticorin District.

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

+1 CC to M/s.M.JERIN MATHEW, Advocate SR-24986[F] dated 10/12/2020

ORDER MADE IN
Crl.O.P. (MD)No.12187 of 2020
DATED : 08.12.2020

MJ(CO)
TR(18.12.2020) 3P 6C