



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13596 of 2020

V.Sankaralingam

... Petitioner/Defacto Complainant
vs.

1.The Superintendent of Police
Trichirappalli District

2.The Deputy Superintendent of Police
Musiri
Trichirappalli District

3.The Inspector of Police
Musiri Police Station
Trichirappalli District

4.Dharmalingam

5.Raja

6.Mallika

7.Sumathi

8.Prakash

9.Prabhu

10.Sakthivel

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 to 3 to provide adequate police protection to the life and properties of petitioner and his family members.

For Petitioner : Mr.R.Manimaran

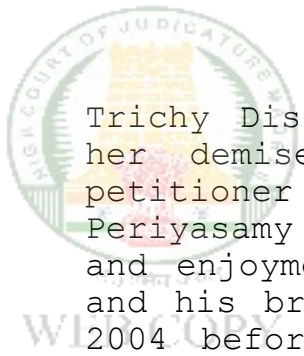
For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to provide adequate police protection to the life and properties of petitioner and his family members.

2.The learned counsel for the petitioner would state that the property in S.F.No.72/2 in Ayyampalayam Village, Musiri Taluk,



Trichy District originally belonged to one Perumayee Ammal. After her demise, the property vested to her legal heirs ie. the petitioner and his brothers and sisters. While being so, one Periyasamy and his henchmen created trouble to peaceful possession and enjoyment of the petitioner and others. Hence, the petitioner and his brothers and sisters jointly filed a suit in O.S.No.77 of 2004 before the District Munsif Court, Musiri seeking relief of declaration and permanent injunction. After elaborate discussion, the trial Court had decreed the suit in favour of the petitioner. Against which, the said Periyasamy had filed an appeal in A.S.No.35 of 2011 before the Principal Sub Court, Trichy. During the pendency of the appeal, the said Periyasamy had passed away and the appeal was dismissed on 21.04.2010 for non taking steps for death of Periyasamy. Now, the respondents 4 to 10 who are the relatives of the said deceased Periyasamy are repeatedly troubling and preventing the petitioner and his family members to do agricultural in their land. Therefore, the petitioner made a representation to the respondents 1 to 3 on 09.06.2020 and requested them to grant police protection. So far, no action has been taken. Hence, the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that based on the complaint given by the petitioner, the third respondent had registered a case against the accused on 29.09.2020 in Crime No.1594 of 2020 for the offence under Sections 147, 294(b), 323 and 506(i) I.P.C. He further submitted that the fifth respondent has also made a complaint against the petitioner and the same was registered in Crime No.1605 of 2020. However, the representation of the petitioner, dated 09.06.2020 will be considered by the respondents/police.

4.Per contra, the learned counsel for the petitioner would submit that after registering of the F.I.R., the petitioner is being threatened by the respondents 4 to 10. Hence, he filed the present petition for police protection.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents 1 to 3. In view of the order going to be passed, notice to respondents 4 to 10 is not necessary.

6.Recording the above submission made by the learned Additional Public Prosecutor, without going into the merits of the case, the respondents 1 to 3 are directed to consider and pass orders on the petitioner's representation dated 09.06.2020 after giving opportunity to the respondents 4 to 10 by following the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** and if it is found that police protection is necessary, the same may be given to the petitioner. The said exercise shall be completed within a period of four weeks



from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

msa

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
Trichirappalli District
2. The Deputy Superintendent of Police
Musiri
Trichirappalli District
3. The Inspector of Police
Musiri Police Station
Trichirappalli District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.13596 of 2020

30.11.2020

sr (CO)

KK(17.12.2020) 3P 5C