



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.12631 of 2020

N.Saravanakumar

... Petitioner

vs.

1)The Superintendent of Police,
Theni District,
Theni.

2)The Inspector of Police,
Palanichettypatti Police Station,
Palanichettypatti,
Theni District.

3)Pranavanathan @ Paul Pranavanathan

4)Rupavathi@Ruby john

5)Grace Jeyamani

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 and 2 to provide adequate police protection to the life and limb of the petitioner and his family members in pursuance of the decree and judgment in O.S.No.20 of 2012 dated 17.12.2014 on the file of the learned District Munsif, Theni on the basis of the petitioner's representation dated 05.09.2020.

For Petitioner : Mr.R.Shankar Ganesh

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents 1 and 2 to provide adequate police protection to the life and limb of the petitioner and his family members in pursuance of the decree and judgment in O.S.No.20 of 2012 dated 17.12.2014 on the file of the learned District Munsif, Theni on the basis of the petitioner's representation dated 05.09.2020.



2.The learned counsel for the petitioner would state that the petitioner's father Chinnarajappan Chettiyar executed a settlement deed dated 18.09.1967 to one Kaliyammal and subsequently, due to controversy, the petitioner's father cancelled the above settlement on 24.06.1974. Thereafter, the respondents 4 and 5 executed a settlement deed dated 07.12.2011 in favour of the 3rd respondent in respect of the properties found in the earlier settlement deed 18.09.1967 and started interfering with the ancestral properties of the petitioner. The petitioner filed O.S.No.20/2012 to declare the settlement deed dated 07.12.2011 as null and void and sought permanent injunction. The Court though granted injunction, declined to grant declaration. While so, violating the civil court decree, the respondents 3 to 5 came to the petitioner's property and demolished the compound wall of his property and abused the petitioner and his family members in filthy language and caused dire consequences. The petitioner lodged a complaint to the 2nd respondent, but no action was taken. Subsequently, when the petitioner was trying to renovate the demolished compound wall, the respondents 3 to 5 intercepted the works and therefore, the petitioner made a representation seeking police protection and to take appropriate action against the respondents 3 to 5 and the same is pending. While so, on 27.09.2020, again the respondents 3 to 5 trespassed into the petitioner's house and scolded the petitioner and his family members and attacked them with deadly weapon and damaged the temporary compound wall and CCTV camera and caused dire consequences. The petitioner's mother lodged a complaint on the same day through post and based on the same, FIR has been registered on 01.10.2020 under Sections 147, 447, 294(b), 323 and 506(i) IPC against the respondents 3 to 5 and the same is pending. Even thereafter since the petitioner and his family members were facing life threat, they made a representation dated 05.09.2020 seeking police protection. Since it was not considered, the petitioner has filed the present petition.

3.The learned Additional Public Prosecutor would state that the respondents 1 and 2 will consider and pass orders on the petitioner's representation dated 05.09.2020 within a time frame to be fixed by this Court.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2. In view of the order going to be passed, notice to respondents 3 to 5 is not necessary.

5.Considering the facts and circumstances of the case, the respondents 1 and 2 are directed to consider and pass orders on the petitioner's representations dated 05.09.2020 after giving opportunity to the respondents 3 to 5 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 four weeks from the date of receipt of a copy of this order.

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

WEB COPY

Sd/-

Assistant Registrar (T&P)

// 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.

To

- 1.The District Munsif,
Theni.
- 2.The Superintendent of Police,
Theni District,
Theni.
- 3.The Inspector of Police,
Palanichettyatti Police Station,
Palanichettyatti,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P(MD)No.12631 of 2020
DATED : 03.12.2020

ARK(CO)
CS(15.12.2020) 3P 5C