



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.12921 of 2020

Parthiban

... Petitioner

Vs

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

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

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

4.Krishnan

5.Raja

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 1st respondent to give necessary instruction to the 3rd respondent to give police protection to the petitioner's life and limb in view of the order in I.A.No.1 of 2020 in O.S.No.64 of 2020 dated 16.10.2020 on the file of the Principal District Munsif of Aruppukkottai by considering the petitioner's representation dated 31.10.2020.

For Petitioner : Mr.K.Elanchezian

For R1 to R3 : Mr.V.Neelakandan,

Additional Public Prosecutor(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to give necessary instruction to the 3rd respondent to give police protection to the petitioner's life and limb in view of the order in I.A.No.1 of 2020 in O.S.No.64 of 2020 dated 16.10.2020 on the file of the Principal District Munsif of Aruppukkottai by considering the petitioner's representation dated 31.10.2020.

2. The learned counsel for the petitioner would submit that the petitioner has purchased two plots in S.No.240/14 and S.No.240/13 through registered sale deed Nos.437/2020 & 445/2020 dated 13.02.2020 dated 14.02.2020 respectively. In the said plots, he started construction. The respondents 4 and 5, who are residing opposite to the petitioner's properties gave all sorts of harassment to the petitioner's enjoyment of the properties. Hence,



the petitioner lodged a complaint before the 3rd respondent police. Since no action has been taken by the respondent police, the petitioner filed a Suit in O.S.No.64 of 2020, on the file of the Principal District Munsif of Aruppukkottai, Virudhunagar District and also filed I.A.No.1 of 2020 for the relief of interim injunction. By order dated 16.10.2020, the trial Court granted interim injunction, restraining the respondents 4 & 5 from interfering with the petitioner's peaceful possession of the property. According to the petitioner, even after getting order from the Court, the respondents 4 & 5 are unlawfully trespassed into the petitioner's property and threatening the petitioner. Hence, the petitioner lodged a complaint before the 3rd respondent police, enclosing the copy of the order obtained in I.A.No.1 of 2020 on 31.10.2020, for giving police protection. But, so far no action has been taken by the respondent police. Hence, the petitioner is before this Court with this Criminal Original Petition.

3.When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, on instructions, would submit that complaint given by the petitioner has been received by the respondent police and based on which, CSR No.174 of 2020 has been assigned on 04.11.2020 and the enquiry is pending.

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

5.Considering the submission made on either side, the respondents 1 to 3 are directed to consider the representation of the petitioner, dated 31.10.2020, within a period of four weeks from the date of receipt of a copy of this order and give police protection to the petitioner, if necessary. If it is found that police protection is not necessary, the same shall be communicated to the petitioner so that he can work out his rights in the manner known to law.

6.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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

Crl.O.P(MD)No.12921 of 2020

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SGS (CO)
KM (01.12.2020) 3P 5C