



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.14438 of 2020

R.Sureshkumar

: Petitioner

Vs .

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.
2. The Deputy Superintendent of Police,
Thiruvaiyaru Sub-Division,
Thanjavur District.
3. The Inspector of Police,
Budalur Police Station,
Thanjavur District.
4. V.Kaliyamoorthy
5. S.Mathiyalagan
6. S.Kalaiyarasan
7. Vairavel
8. Kanagaraj

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent Nos.1 to 3 herein to give necessary police protection to the petitioner and his family member's life and limb.

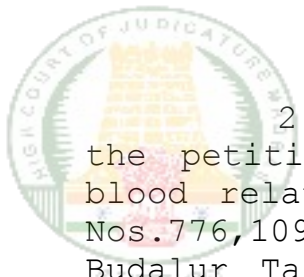
For Petitioner : Mr.P.Saravanakumar

For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor.(Crl.side)

ORDER

This petition has been filed to direct the respondent Nos.1 to 3 herein to give necessary police protection to the petitioner and his family member's life and limb.



2.The learned counsel for the petitioner would submit that the petitioner's father namely Rajappa and one Kaliyaperumal are blood related brothers and they are owning the property in Patta Nos.776,1099, 619 and 1091 situated at Nandavanapatti Village, Budalur Taluk, Thanjavur District. Subsequent to their death, the legal heirs of the said Rajappa and Kaliyaperumal including the petitioner are in continuous possession and peaceful enjoyment of the above properties. While that being so, the respondent Nos.4 to 8 created trouble to the petitioner's property. According to those persons, they are the lease-holders and they have paid Rs.80,000/-. But, according to the petitioner, the said amount was actually paid by the petitioner's father Rajappa and his brother Kaliyaperumal during the lifetime itself and the same was witnessed by one S.Manikandan. Without accepting the same, the respondent Nos. 4 to 8 are threatening the petitioner. Hence, the petitioner made a complaint before the 3rd respondent police on 28.05.2020, in which, both the parties were directed to approach the civil forum, accordingly, the petitioner filed injunction suit in O.S.No.133 of 2020, before the learned District Munsif, Thanjavur and the same is pending. Even after filing the Suit, the respondent Nos.4 to 8 are again made life threat to the petitioner. Therefore, the petitioner has given another complaint to the respondent police and the same was pending without any progress. Hence, the petitioner is before this Court with this Criminal Original Petition.

3.The learned Additional Public Prosecutor(Crl.side), on instructions, would submit that based on the first complaint preferred by the petitioner, enquiry was conducted and finding that there was a civil dispute between the parties, they were directed to approach the concerned civil forum for their remedy and accordingly the complaint in CSR No.459 of 2020 was closed on 15.11.2020. For the second complaint made by the petitioner for the same issue, CSR No.555 of 2020 has been assigned on 18.11.2020, enquiry was again conducted and finding that the petitioner has filed O.S.No.133 of 2020 before the District Munsif Court, Thanjavur and hence the parties were directed to to approach the said Civil Court for their remedy and accordingly the complaint was closed on 29.11.2020.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents 1 to 3. Since no adverse order is going to be passed, notice to the respondent Nos.4 to 8 is dispensed with.

5. Admittedly, the petitioner has filed a Civil Suit in O.S.No.133 of 2020, before the learned District Munsif,Thanjavur, and the same is pending for disposal and the remedy to the petitioner as well as the respondents 4 to 8 is only to pursue the above suit and therefore, the respondents /police have rightly closed the complaint of the petitioner directing the parties to approach the Civil Forum.



6.This Criminal Original Petition is dismissed with the above observations.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2021

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,
Thanjavur District,
Thanjavur.
2. The Deputy Superintendent of Police,
Thiruvaiyaru Sub-Division,
Thanjavur District.
3. The Inspector of Police,
Budalur Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

VRN

TE : 01/03/2021 : 3P/5C

Crl.O.P. (MD)No.14438 of 2020
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