



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.14538 of 2020

1.M.Murugesan

2.M.Latha

... Petitioners

Vs

1.The Superintendent of Police

District Police Office,

Trichy District.

2.The Deputy Superintendent of Police,

Musiri,

Trichy District.

3.The Inspector of Police,

Thottiyam Police Station,

Thottiyam Taluk,

Trichy District.

4.The Sub Inspector of Police,

Kattuputhur Police Station,

Kattuputhur, Thottiyam Taluk,

Trichy District.

5.M.Kandasamy

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondent Nos. 1 to 4 to give protection to the petitioners and their agricultural land situated in Natham Village, Thottiyam Taluk, Trichy District in Survey No.239/13 with an extent of 0.24 cents in patta No.1742 to cultivate the same, based on the representation dated 23.10.2020 and 30.10.2020.

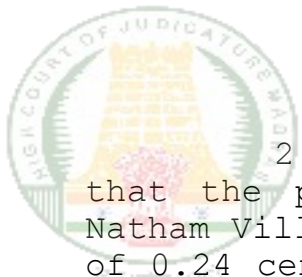
For Petitioners : Mr.V.Karthikeyan

For R1 to R4 : Mr.V.Neelakandan,

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent Nos. 1 to 4 to give protection to the petitioners and their agricultural land situated in Natham Village, Thottiyam Taluk, Trichy District in Survey No.239/13 to an extent of 0.24 cents in patta No.1742 to cultivate the same, based on the representation dated 23.10.2020 and 30.10.2020.



2. The learned counsel for the petitioners would submit that the petitioners purchased the agricultural land situated in Natham Village, Thottiyam Taluk, in Survey No.239/13, with an extent of 0.24 cents in Patta No.1742 vide sale deed dated 03.02.2016 from one T.Palanivel and T.Vijayakumar. According to the petitioners, the 5th respondent herein has filed a civil suit for permanent injunction against the petitioners' vendors and the petitioners herein are not party to the proceedings. Even then, the 5th respondent threatening the petitioners and their family members. Hence, the petitioners have given complaint to the 4th respondent on 10.10.2020 and CSR No.618 of 2020 has been assigned by the respondent police. But, no further action has been taken by them. Hence, this petition.

3.The learned Additional Public Prosecutor(Crl.side) appearing on behalf of the respondents 1 to 4, on instructions, would submit that the complaint of the petitioner has been received by the respondent police and CSR No.618 of 2020 has been assigned on 11.10.2020 and the enquiry is pending.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl. Side) appearing for the official respondents. Since no adverse order is going to be passed, notice to the 5th respondent is dispensed with.

5.Recording the above submission made by the learned Additional Public Prosecutor, without going into the merits of the case, the respondents 1 to 4 are directed to consider and pass orders on the petitioner's complaint after giving opportunity to the 5th respondent, 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 petitioners. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (RTI)

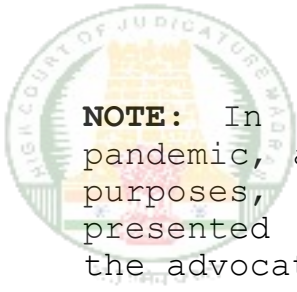
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/ /2020

Sub Assistant Registrar(CS)

vrn

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To:-

- 1.The Superintendent of Police
District Police Office,
Trichy District.
- 2.The Deputy Superintendent of Police,
Musiri,
Trichy District.
- 3.The Inspector of Police,
Thottiyam Police Station,
Thottiyam Taluk,
Trichy District.
- 4.The Sub Inspector of Police,
Kattuputhur Police Station,
Kattuputhur, Thottiyam Taluk,
Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-25343[F] dated
14/12/2020)

Crl.O.P(MD)No.14538 of 2020

11.12.2020

(ARK) CO

AP(28/12/2020) 3P 7C