



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.15094 of 2020

S.Murugiahpandian

... Petitioner

vs.

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

2. The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.

3. Kumaragurubaran

4. Kumaran

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to provide adequate police protection for life and limb of the petitioner at the time of entering into his own land and to take away the bunch of paddy straws on the basis of the petitioner's representation dated 18.08.2020 preferred by the petitioner in accordance with law .

For Petitioner

: Mr.M.Sankar

For R1 and R2

: Mr.V.Neelakandan

Additional Public Prosecutor(Crl.side)

O R D E R

This petition has been filed to direct the second respondent to provide adequate police protection for life and limb of the petitioner at the time of entering into his own land and to take away the bunch of paddy straws on the basis of the petitioner's representation dated 18.08.2020 preferred by the petitioner in accordance with law .

2.The learned counsel for the petitioner would state that the petitioner is the owner of the lands in S.Nos.232/8B4, 232/8B5, 232/8B7, 232/8B8 of Kavalakuruchi Village, Alangulam Taluk, Tenkasi District measuring to an extent of 1 acre and 26 cents by virtue of settlement deed Doc No.2921 dated 18.10.2019 executed by his father. The grievance of the petitioner is that the 3rd and 4th respondents had unlawfully entered into the above said petitioner's lands and disturbed the petitioner from doing agricultural activities, claiming right over the property. Therefore, the petitioner gave a representation to the 1st and 2nd respondent on 04.06.2020, through registered post, but no action was taken. The petitioner filed Crl.OP(MD) No.6930 of 2020 and this Court by order dated 02.07.2020



directed the petitioner to approach the appropriate civil Court for his remedy and therefore, the petitioner has filed the civil suit.

3.The learned counsel for the petitioner would state that even after filing of the civil suit in O.S.No.464 of 2019, the respondents 3 & 4 are threatening the petitioner from entering into the premises and therefore would pray for protection and to take action against the respondents 3 & 4.

4.The learned Additional Public Prosecutor(Crl.side), on instructions, would submit that based on the complaint given by the petitioner, enquiry was conducted and as there was a civil dispute between the petitioner and the respondents 3 & 4, they were advised to approach the civil forum for their remedy and as the parties had also agreed to approach the civil forum stating that they will abide by the civil court orders, the complaint was closed on 31.08.2020.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to the respondent Nos.3 & 4 is dispensed with.

6.Admittedly, already the petitioner has come before this Court and has filed Crl.OP(MD) No.6930 of 2020 and this Court had directed the petitioner as well as the respondents 3 & 4 to approach the civil forum and even thereafter alleging certain complaints against the respondents 3 & 4, the petitioner had given a representation to the respondents/police and during the enquiry, the parties were advised to abide by the civil Court order and based on that, complaint was closed on 31.08.2020. As ordered by this Court in Crl.OP(MD) No.6930 of 2020, the respondent police has rightly closed the complaint, the petitioner and the respondents shall seek the remedy before the Civil Forum and no further order is necessary in this matter.

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

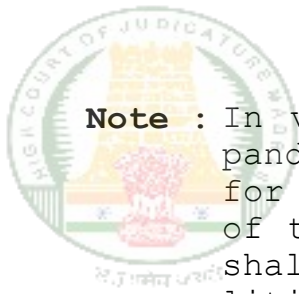
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /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.

WEB COPY

- To
- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
 2. The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.15094 of 2020
DATED : 18.12.2020

KUN(CO)
KB(23.02.2021) 3P 4C