



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.15185 of 2020

Thangarasu

... Petitioner

Vs.

State through

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

2.The Inspector of Police,
Vellanoor Police Station,
Pudukottai District.

3.Mookkaiah

4.Chinnadurai

... Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to give necessary police protection to the life and limb of the petitioner, their family members and property comprised in Survey No.68/1 nanja 0.42.50 acres situated at Pudukottai District, Kulathur Taluk, Thudaiyur Village.

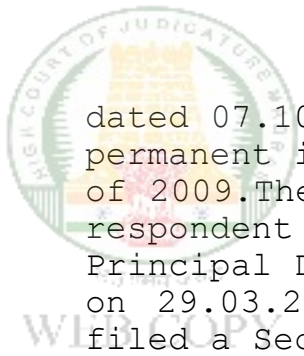
For Petitioner : Mr.M.Subash Babu

For Respondents 1 & 2 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed directing the respondents 1 and 2 to give necessary police protection to the life and limb of the petitioner, their family members and property comprised in Survey No.68/1 nanja 0.42.50 acres situated at Pudukottai District, Kulathur Taluk, Thudaiyur Village.

2.The learned counsel for the petitioner would state that the petitioner is the owner of the property comprised in Survey No.68/1 nanja 0.42.50 acres situated at Pudukottai District, Kulathur Taluk, Thudaiyur Village. The above mentioned property is agricultural land with well motor pump set with EB S.C.No.346. The petitioner has sold the property to his relatives. The grievance of the petitioner is that the 3rd respondent claiming that he was the oral agreement holder and filed specific performance suit against the petitioner seeking the relief of declaration that the sale deed

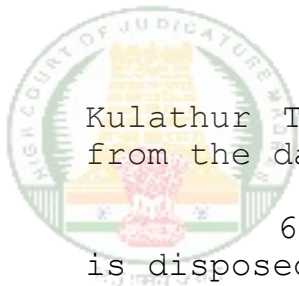


dated 07.10.2009 executed by the petitioner is null and void and for permanent injunction, before the Sub Court, Pudukottai in O.S.No.220 of 2009. The Suit was dismissed on 11.08.2017, against which, the 3rd respondent preferred an appeal in A.S.No.17 of 2017, before the Principal District Judge, Pudukottai and the same was also dismissed on 29.03.2019. Thereafter, it appears that the 3rd respondent has filed a Second Appeal, which is pending in the SR stage for the past 1 ½ years. Even thereafter, the 3rd respondent had threatened the petitioner with dire consequences and therefore the petitioner had given a complaint before the respondent police and on receipt of the same, CSR No.52 of 2020 has been assigned on 04.03.2020. Since then, no action was taken. Therefore, the petitioner has filed a direction petition in Crl.O.P(MD) No.8265 of 2020. It seems that the second respondent/police has given a statement on instructions that the dispute between the parties was settled. The learned counsel for the petitioner would submit that when the petitioner's counsel had attempted to get information from the petitioner, he could not contact the petitioner, since one Purusothaman, who engaged a counsel to the petitioner died. Believing the words of the 2nd respondent, the petitioner's counsel filed withdrawal memo on 14.08.2020 and on recording the same, the petition was dismissed as withdrawn on 17.08.2020. Thereafter, the petitioner sent a representation to the 1st and 2nd respondents on 01.12.2020, no action was taken. Hence, this petition.

3.The learned Additional Public Prosecutor (Crl.side) on instructions, would state that earlier the petitioner has filed Crl.O.P(MD) No.8265 of 2020, seeking police protection and that dispute was settled between the parties and hence, on 17.08.2020 the same was dismissed as withdrawn.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. Since no adverse order is going to be passed against the respondents 3 & 4, notice to them is dispensed with.

5.The main grievance of the petitioner is that based on the statement given by the second respondent in Crl.O.P.(MD) No.8265 of 2020, the petitioner counsel filed withdrawal memo on 14.08.2020 and recording the same the petition was dismissed as withdrawn on 17.08.2020. It is due to the fact that the petitioner's counsel could not contact the petitioner, since one Purusothaman, who engaged the counsel to the petitioner died. It is an admitted fact that the suit and the appeal filed by the respondent was dismissed and the second appeal has not been numbered till date. It appears that the petitioner was not aware of the withdrawal of the earlier case. Hence, it is obligatory on the part of the respondent/police to give police protection to the petitioner to enjoy the civil Court decree. The respondent police is directed to give police protection to the petitioner and his family members and the property in Survey No.68/1, in base area of 0.42.50 acres, situated at Pudukottai District,



Kulathur Taluk, Thudaiyur Village, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is disposed of.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rm/vrn

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,
Pudukottai,
Pudukottai District.
- 2.The Inspector of Police,
Vellanoor Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.15185 of 2020
18.12.2020

(ES)CO

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