



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.15175 of 2020

M.J.Ajmalkhan

... Petitioner

vs.

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

2. The Inspector of Police,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.

3. Abdul Razak

4. Ibramsha

5. Umar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to provide necessary police protection to the petitioner's peaceful running business carried out in shop Nos.107,108 and 109 including backside vacant portion situated at D.No.107/32 (Part), Kalanivasal Pudhu Road, Meenakshipuram, Karaikudi, Sivagangai District.

For Petitioner : Mr.P.Saravanakumar

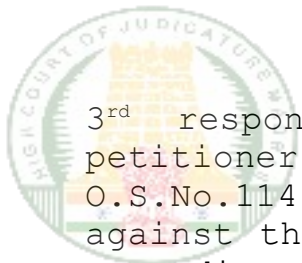
For R1 and R2 : Mr.V.Neelakandan

Additional Public Prosecutor(Crl.side)

O R D E R

This petition has been filed to to direct the respondents 1 and 2 to provide necessary police protection to the petitioner's peaceful running business carried out in shop Nos.107,108 and 109 including backside vacant portion situated at D.No.107/32 (Part), Kalanivasal Pudhu Road, Meenakshipuram, Karaikudi, Sivagangai District.

2.The learned counsel for the petitioner would submit that the 3rd respondent is the owner of the property comprised in Survey No.107/32(part) situated at Kalanivasal Pudhu Road, Meenakshipuram, Karaikudi. In the said property towards northern side, there are 3 shops in 107,108 and 109 and there is a vacant portion, behind the said shops. The petitioner is a tenant in the above said shops and vacant portion, on executing a rental agreement dated 01.01.2008 with the 3rd respondent. While so, the



3rd respondent without any prior intimation, threatened the petitioner to vacate the shops. Hence, the petitioner filed a suit O.S.No.114 of 2018, before the learned District Munsif, Karaikudi against the 3rd respondent for injunction and the same is pending. According to the petitioner, the 3rd respondent refused to receive rents from the petitioner, he filed RCOP No.5 of 2019, before the Principal District Munsif Court (Rent Controller), Karaikudi and depositing rents. The 3rd respondent filed a petition for eviction in RCOP No.4 of 2019, before the same Court, which is pending. On 25.11.2020, the 5th respondent, who is the close relative of the 3rd respondent trespassed into the petitioner's shop No.4 and threatened the petitioner stating that he has taken the shop for rent. Hence, the petitioner lodged a criminal complaint before the respondent police on 25.11.2020, and the respondent police obtained statements and informed both the parties to abide the suit proceedings and maintain peace in the disputed property until the disposal of the civil cases. The grievance of the petitioner is that though the petitioner has paid rent regularly in RCOP No.5 of 2019, without any arrears, the respondents 3 to 5 are continuously threatening the petitioner. Hence, the petitioner sent a representation to the respondents 1 & 2 on 02.12.2020, seeking police protection. Since no action has been taken by the respondent police, 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 complaint preferred by the petitioner, enquiry was conducted and finding that the petitioner is tenant and the 3rd respondent is the owner of the disputed property and there was a civil dispute between them and a civil suit in O.S.No.114 of 2018 is pending before the District Munsif, Karaikudi, thereby, they were directed to approach the concerned civil forum for their remedy and accordingly the complaint in CSR No.635 of 2020 was closed on 26.11.2020.

4.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 to 5 is dispensed with.

5. Admittedly, the petitioner has filed a suit O.S.No.114 of 2018, before the learned District Munsif, Karaikudi against the 3rd respondent for injunction and the same is pending. Further, it is seen that the 3rd respondent refused to receive rents from the petitioner, he filed RCOP No.5 of 2019, before the Principal District Munsif Court (Rent Controller), Karaikudi and depositing rents regularly. Since the petitioner is depositing the rents regularly in RCOP No.5 of 2019, it is obligatory on the part of the respondent police, to take appropriate action against the



respondents 3 to 5, in the manner known to law, if they interfere with the peaceful possession of the property.

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

WEB COPY

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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 Principal District Munsif,
(Rent Controller), Karaikudi.
2. The Superintendent of Police,
Sivagangai District,
Sivagangai.
3. The Inspector of Police,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN

Crl.O.P. (MD)No.15175 of 2020

DATED : 18.12.2020

KM (03.02.2021) 3P 5C