



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.15585 of 2020

1.Y.Murthuja

2.A.Hajira

3.Mohammed Ali Jinnah

... Petitioners

Vs

1. The Commissioner of Police,
Trichy City,
Trichy.

2. The Assistant Commissioner of Police,
Srirangam,
Trichy District.

3. The Inspector of Police,
Thillainagar Police Station,
Trichy.

4. The Sub Inspector of Police,
Thillainagar Police Station,
Trichy.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 and 3 herein to provide police protection to the petitioners for construction of compound wall in New Ward E (Y) New Block 27, New TS No.36, Thennur, Trichy.

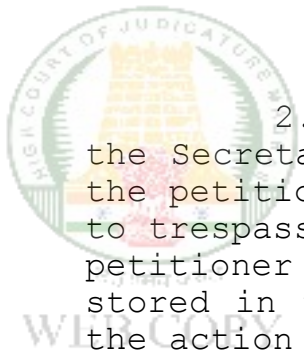
For Petitioner : Mr.D.Sivaraman

For R1 : Mr.V.Neelakandan,

Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 and 3 herein to provide police protection to the petitioners for construction of compound wall in New Ward E (Y) New Block 27, New TS No.36, Thennur, Trichy.



2. The learned counsel for the petitioner would submit that the Secretary of the Society of one Ramar claiming that the land of the petitioner is owned by the Society along with his henchmen tried to trespass into the property of the petitioner and also refrain the petitioner from constructing a Wall and also stole the materials stored in that property for constructing a Wall on the strength of the action being not taken by the respondent police on the complaint of the petitioner. Therefore, the petitioner made a complaint to the first respondent on 27.10.2020 seeking police protection. So far, no action has been taken by them. Hence, this petition.

3.The learned Additional Public Prosecutor appearing on behalf of the first respondent, on instructions, would submit that it is the property dispute among the parties and enquiry on the same is pending.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

5.Recording the above submission made by the learned Additional Public Prosecutor, without going into the merits of the case, the first respondent is directed to consider and take action on the petitioner's complaint dated 27.10.2020 after giving opportunity to the necessary parties 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*** on merits and in accordance with law. 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 (CS-I)

// 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.



To:-

1. The Commissioner of Police,
Trichy City, Trichy.
2. The Assistant Commissioner of Police,
Srirangam, Trichy District.
3. The Inspector of Police,
Thillainagar Police Station,
Trichy.
4. The Sub Inspector of Police,
Thillainagar Police Station,
Trichy.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.Sivaraman, Advocate, SR.No.27176.

Crl.O.P(MD)No.15585 of 2020

MK (CO)
CS (08.01.2021) 3P 7C