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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17549 of 2021

Sivakumar
S/o.Malayan

.....Petitioner

Versus

The State Rep. by

1. The Superintendent of Police,
Tirupattur Taluk,
Tirupattur District.

2. The Inspector of Police,
Yelagiri Hills Police Station,
Tirupattur Taluk,
Tirupattur District.

3. Jayakumar

4. Malayan

5. Malainasi

6. Nasiyammal

7. Ramasamy

8. Ponnurangam

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondent to give police protection to the petitioners and his family members based on the complaint dated 28.06.2021.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondents : Mr.R.Vinoth Raja
Govt. Advocate (Crl.side)
for R1 and R2

Mr.I.Periasamy for R3 to R8



ORDER

(This case has been heard through video conference)

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This petition has been filed seeking a direction directing the respondents 1 and 2 to give police protection to the petitioner on his complaint dated 28.06.2021.

2. The contention of the petitioner is that the property in Survey No. 27 in Yelagiri Hills belongs to the petitioner. He fenced his property on 17.06.2021. The respondents 3 to 8 along with others came there and threatened the petitioner and removed the fence and boundary marking stones. Thereafter, on 28.06.2021 the petitioner went to carry on his agricultural activities, again respondents 3 to 8 along with others came and threatened him. Hence, he lodged a complaint seeking protection. Though the respondent police given C.S.R.No.95 of 2021, on his complaint, no action taken stating that it is a civil dispute.

3. The learned counsel for respondents 3 to 8 would submit that it is a civil dispute, already a Civil Suit in O.S.No.42 of 2015 on the file of Sub-Court, Tirupattur is pending with regard to the disputed property. He would further submit that there was no threat by the respondents 3 to 8. The suit filed seeking for not to disturb peaceful possession and enjoyment of the property. If at all, the petitioner is having any grievances, the petitioner has to approach the civil court and get appropriate orders.

4. The learned Government Advocate (Criminal Side) appearing for respondents 1 and 2 would submit that the police on enquiry, finds that the dispute is civil in nature and hence, advised the petitioner and respondents 3 to 8 to approach the civil court and get appropriate orders.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2 and learned counsel for respondents 3 to 8 and perused the records.

6. Finding that it is a civil dispute between the petitioner and the respondents 3 to 8, this court is not



inclined to pass any orders and further, directs the petitioner and respondents 3 to 8 to approach the civil court and get appropriate orders. Accordingly, this Criminal Original Petition is dismissed.

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Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1. The Superintendent of Police,
Tirupattur Taluk, Tirupattur District.
2. The Inspector of Police,
Yelagiri Hills Police Station,
Tirupattur Taluk, Tirupattur District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.P.Sathyamurthy, Advocate, S.R.No.51146

CRL.O.P.No.17549 of 2021

VG-II (CO)
SU (18/10/2021)