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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15720 of 2021

M.Prakash

... Petitioner

Versus

1. The Superintendent of Police
Salem District, Salem.
2. The Deputy Superintendent of Police(Rural),
Mettur Taluk, Salem District.
3. The Inspector of Police,
Mechery Police Station,
Mechery, Mettur Taluk,
Salem District.
4. Madhaiyan.
5. Murugan.
6. Madhankumar.
7. Sakthivel.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent police to grant an adequate police protection to the petitioner's accessing pathway to his land towards from Northern side from Me.Kallipatty to Pottaneri road, land totaling to an extent of 48 cents, comprised in Survey No. 92/2 and 92/1B situated at Me.Kalipatty Village, Mettur Taluk, Salem District, by initiating appropriate actions against the accused persons based on the complaint given by the petitioner dated 10.08.2021 pending on the file of the 3rd Respondent Police i.e from the Inspector of Police, Mechery Police Station, Mechery Taluk, Salem District.



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For Petitioner : M/s.N.Vijaya Basker.

For Respondent : Mr.A.Damodaran for R1 - R3
Government Advocate (Crl Side)

ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent police to give adequate police protection .

2. The learned counsel for the petitioner would submit that the petitioner had given a complaint on 10.08.2021 to the 3rd respondent police to give adequate police protection for having access to the pathway to his land. But, no action has been taken so far. Hence, the present petition.

3. The learned Government Advocate (crl.side) would submit that the petitioner and the counter petitioner are neighbours and relatives. They have some dispute with regard to the path way. Earlier, the petitioner's father had lodged a complaint on 01.03.2021, based on which, a case in Crime No 126 of 2021 for the offences under Section 294(b), 324, 447 and 506(2) against the respondents 4 to 7 came to be registered. Now, the petitioner has also lodged another complaint similar in nature. On the complaint given by the petitioner, he was called for enquiry on the very next day and he was advised to approach the Civil Court.

4. This Court considered the submissions made on either side and perused the materials available on records carefully.

5. Finding that the petitioner and the counter petitioners are neighbours and relatives and earlier a case, which was similar in nature, was filed with regard to the same pathway dispute at the instance of the father of the petitioner, the petitioner to approach the civil Court for appropriate remedy and this petition is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp



To

1. The Superintendent of Police
Salem District, Salem.
2. The Deputy Superintendent of Police(Rural),
Mettur Taluk, Salem District.
3. The Inspector of Police,
Mechery Police Station,
Mechery, Mettur Taluk,
Salem District.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.15720 of 2021

NR(CO)
CT/29/09/2021