



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 22.04.2021

DATE ON WHICH PRONOUNCED : 21.05.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

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Crl.O.P.(MD)No.4277 of 2021

M.Ganeshan

... Petitioner

Vs.

- 1.The Commissioner of Police,
O/o of the Commissioner of Police,
Madurai City.
- 2.The Assistant Commissioner of Police,
O/o of the Assistant Commissioner of Police,
Anna Nagar Division,
Madurai City.
- 3.The Inspector of Police,
O/o of the Inspector of Police,
Anna Nagar Police Station,
Madurai City.
- 4.Ravi Sankar
- 5.Durai Pandi
- 6.Karuppannan
- 7.Arumugam
- 8.Puspavalli
- 9.Ramesh

... Respondents

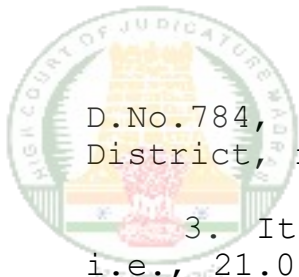
Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., direct the third respondent to provide adequate police protection to the petitioner and his life and limb by considering the petitioner's representation dated 08.03.2021.

For Petitioner	: Mr.S.M.A.Jinnah
For R1 to R3	: Mr.A.Robinson
	Government Advocate (Crl.Side)
For R4 & R5	: Mr.J.Viyayaraja
For R6 to R9	: Mr.M.Jegadesh Pandian

ORDER

This Criminal Original Petition has been filed to direct the third respondent to provide adequate police protection to the petitioner and his life and limb by considering the petitioner's representation dated 08.03.2021.

2. The petitioner is a permanent resident of Sellur, Madurai District. He purchased a property in New S.No.153/18 situated in
<https://hcservices.ecourts.gov.in/hcservices/>



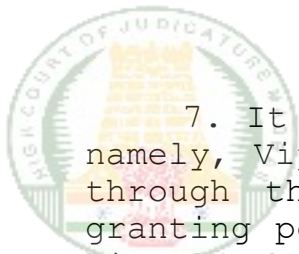
D.No.784, Vandiyur I Bit Village, Madurai East Taluk, Madurai District, from one M.Vijaya Kumari wife of late Machakalaiyan.

3. It is a house property, right from the date of purchase i.e., 21.01.2021, the petitioner was in possession and enjoyment of the same without any disturbance. He also put up a lock in the property. On 25.02.2021, on the inducement of the respondents 4 & 5, the respondents 6 to 9 illegally trespassed into his property and tried to make a fencing and a cow shed and the same was prevented by the petitioner. The fourth respondent told that one Machakalaiyan, husband of the petitioner's vendor borrowed a sum of Rs.10,000/- from him and he has not repaid the same. So, that amount must be paid with interest. The respondents 4 to 9 abused the petitioner and M.Vijaya Kumari in a filthy language and also tried to assault them and criminally intimidated them. They also demanded that the property must be handed over to them or otherwise, they would eliminate the petitioner. They also assaulted the petitioner and his vendor and also made life threat. The respondents 6 and 7 are the brother-in-law of Vijaya Kumari and the respondents 8 and 9 are the wife and son of the sixth respondent. Because of a continuous life threat, he made a representation to the respondents 1 to 3, seeking police protection.

4. Heard both sides.

5. At the time of argument, the learned Government Advocate (Crl.Side) would submit that based upon the representation made by this petitioner, enquiry in CSR.No.181 of 2021 was conducted in which, the petitioner himself made a submission on 22.03.2021, as if since it is a civil dispute, they will resolve the dispute through Court process. So, no further action is necessary in the complaint given by him. Based upon that, enquiry has been closed. When this has been submitted by the learned Government Advocate (Crl.Side), the learned counsel for the petitioner would submit that even though the enquiry was closed on 22.03.2021, the respondents 4 to 9 continued to threaten the petitioner and so, he made second representation on 25.03.2021, to show his possession. In this regard, he also produced the photographs and additional typed set.

6. In whose possession, the property is lying is a question that has to be decided in the civil proceedings. Reading of the statement given by the petitioner as well as the enquiry shows that even though the petitioner purchased the property from Vijay Kumari, the brother-in-law of Vijaya Kumari made trouble stating that Machakalaiyan, the husband of Vijay Kumari borrowed money from him and so, that must be repaid with interest before handing over the property to the petitioner for enjoyment. The claim of the respondents 6 to 9 is that in the year 2001, the said Machakalaiyan mortgaged the property for Rs.10,000/- and that was not repaid.



7. It is seen that there was a civil dispute between the vendor namely, Vijay Kumari and her in-laws. So, that can be resolved only through the civil Court. So, at this juncture, the question of granting police protection, does not arise. More so, the petitioner himself has stated before the Enquiry Officer that no further enquiry is required and hence, the present prayer to consider the second representation, cannot be accepted. Moreover, for the purpose of claiming protection, the petitioner must brought on record life threat at the hands of the private respondents. Since, it is absolutely a civil dispute, the question of life threat, does not arise. So, this sort of contention, without any proper materials cannot be accepted.

8. So, this is not a fit case to order police protection to the petitioner. So, the petitioner is directed to approach the proper Civil Court for the purpose of resolving the dispute over the property. So, this Criminal Original Petition is liable to be dismissed, and accordingly, the same is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Dss

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,
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- 2.The Assistant Commissioner of Police,
O/o of the Assistant Commissioner of Police,
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- 3.The Inspector of Police,
O/o of the Inspector of Police,
Anna Nagar Police Station,
Madurai City.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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21.5.2021

CN(21.06.2021) 4P 5C