



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 30.06.2021

DATE ON WHICH PRONOUNCED : 07.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

WEB COPY

Crl.O.P.(MD)No.5665 of 2021

J.Ashokkumar

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Periyakulam,
Theni District.

3.The Inspector of Police,
Devathanapatti Police Station,
Devathanapatti,
Theni District.

... Respondents

4.N.Ramachandran

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents to provide adequate police protection to the petitioner to enter in his house and life and limb of the petitioner and his family members by considering the petitioner's representations, dated 23.03.2021 and 29.03.2021.

For Petitioner	:	Mr.Antony Santhosh
For R1 to R3	:	Mr.R.M.Anbu Nithi, Additional Public Prosecutor.
For R4	:	Mr.S.Atham Ali

ORDER

This Criminal Original Petition is filed seeking a direction to the respondents to give police protection to the petitioner, on the basis of the representations, dated 23.03.2021 and 29.03.2021.

2.The case of the petitioner:-

He purchased a property through a sale deed in S.No.1888A/1A, New Door No.7.5.2 and ever since, he is in possession and enjoyment of the same. The fourth respondent has no right or title over the property. But, he made frequent disturbances, on the ground that the predecessor of the petitioner had to pay Rs.5,00,000/- to him and that amount must be paid by the petitioner. On 18.09.2020, the fourth respondent with the help of



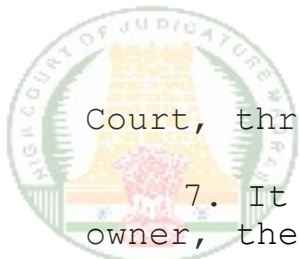
stole the electrical things and damaged the house hold articles also. Later, they locked the house with a padlock. So, the petitioner made a representation, dated 26.09.2020, to the respondents, seeking police protection. The same was entered as CSR.No.356 of 2020. But, there was no action. Subsequently, he preferred a complaint under Section 154 (3) Cr.P.C and again, there was no action. Later, he filed a petition in Crl.OP(MD) No.11140 of 2020 seeking police protection and that petition was closed with a direction to the third respondent to conclude the enquiry within a period of four weeks. Later, a case was registered in Crime No. 72 of 2021, against the fourth respondent, his sons and other persons. The fourth respondent being an Advocate Clerk has also engaged in Katta Panchayat and running a Consumer Safty Forum, he approached this Court.

3. Heard both sides.

4. Counter is also filed by the fourth respondent herein. According to him, he was a tenant under the original owner from the year 2005 to 2009 for monthly rent of Rs.300/- and advance amount Rs.6000/- was paid. The petitioner is living adjacent to his house property in D.No.2-6-24. During the year 2009, the original owner Rajalakshmi and her legal heir Shaktivel executed a lease deed in his favour. At that time, there was a promise by the landlord to the effect that in case of sale of property that will be sold only to the fourth respondent. They also executed an unregistered sale deed on 02.11.2010. Later, they failed in their promise. So, he filed a suit in O.S.No.2 of 2019 before the Sub Court, Periyakulam, Theni, against Saktivel. So, suppressing all these facts, this petition has been filed. The petitioner, only broke open the lock and threw the articles belonging to the fourth respondent. Now, they are in the street. He also filed Crl.OP(MD) No.7125 of 2021 seeking a direction to the official respondent not to harass.

5. From the pleadings and from the arguments made on either side, it is seen that it is purely a civil dispute. The petitioner claimed that he is the owner of the property and he has purchased the same from the owner. It is the case of the 4th respondent to the effect that he was a lessee and continued to be a lessee in the property. But, later, the property has been sold to the petitioner. Even in the petition itself, it has been stated that the fourth respondent trespassed into the property and occupied the same.

6. So, who are in possession of the property and who threw away the article, are all disputed facts and that cannot be gone into this petition. In the facts and circumstances of the case, the parties have to work out their remedy only before the Civil



Court, through appropriate proceedings.

7. It is also seen that against the legal heir of the original owner, the fourth respondent has filed a suit in O.S.No.2 of 2019, before the Sub Court, Periyakulam, Theni and it appears that it is pending. So, in such circumstances, seeking police protection, due to the civil dispute, cannot be appreciated.

8. In view of the above, this Criminal Original Petition deserves dismissal and accordingly, the same is dismissed with liberty to the petitioner to work out his remedy before the appropriate Court through proper proceedings.

Sd/-

Assistant Registrar (AS)

// 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 Superintendent of Police,
Theni District.

2.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Periyakulam,Theni District.

3.The Inspector of Police,
Devathanapatti Police Station,
Devathanapatti,Theni District.

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

+1 CC to M/s.U.ANTONY SANTHOSH, Advocate (SR-21810[F] dated 09/07/2021)

Crl.O.P. (MD)No.5665 of 2021

07.07.2021

CN(14.07.2021) 3P 6C