



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED DATED: 14.07.2021

PRONOUNCED DATED: 28.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.6231 of 2021

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Sumathi

... Petitioner

Vs.

1.The Superintendent of Police,
Dinditil,
Dindigul District.

2.The Inspector of Police,
Sempatti Police Station,
Dindigul District.

3.V.Selvaraj

4.S.Makendran

5.Ravikumar

... Respondents 1 to 5

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Respondents 1 & 2 herein to give adequate police protection to complete the pending construction work of the petitioner's living house.

For Petitioner : Mr.S.Deenadhayalan
For R1 & R2 : Mr.M.Anbunithi,
Additional Public Prosecutor
For R3 to R5 : Mr.J.Lawrance

ORDER

This Criminal Original Petition is filed to direct the respondents 1 & 2 herein to give adequate police protection to complete the pending construction work of the petitioner's living house.

2. (i) The case of the petitioner is that the petitioner and the private respondents are relatives. The respondents 3 & 4 have filed a suit for injunction in O.S.No.198 of 2018 before the District Munsif Court, Authoor, against the petitioner. In that suit, they filed I.A.No.175 of 2018 seeking stay of construction made by the petitioner. That application was dismissed. Thereafter, the petitioner constructed the house and completed 80% of work and further work is to be completed. But, the third respondent along



with their family members made trouble and obstruction.

(ii) On 22.05.2019, when the construction work was going, the respondents 3 to 5 obstructed the same and for that purpose, they abused him in filthy language and also assaulted. So, a case in Crime No.125 of 2019 was registered by the second respondent, for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC. Thereafter, a counter complaint has also been lodged. In which, the petitioner and his family members were arrayed as accused in Crime No.148 of 2019.

3. Later, the petitioner filed a petition before the concerned Court on 04.03.2021, seeking police protection and that was returned for the reason that it is not maintainable. Hence, this petition.

4. Here both sides.

5. The learned Additional Public Prosecutor would submit that based upon the complaint given by the petitioner, enquiry was undertaken in CSR.No.156 of 2021 and during the course of enquiry, it was found that both the parties agreed to abide by the judgment in the pending suit. On that basis, it was closed on 13.07.2021, but, however, no such police protection can be given for such a nature of work.

6. It appears that in respect of a civil dispute in O.S.No.198 of 2018 pending before the District Munsif Court, Authoor, the respondents filed I.A.No.751 of 2018, seeking for stay of construction made by the petitioner. That petition came to be dismissed, by the concerned Court, on 16.08.2018.

7. Now, according to the petitioner, after the dismissal of the petition, he completed the construction work and now, for the purpose of completion process, when plastering work was undertaken, trouble was been made by the private respondents, in respect of which an assault has also took place and so, a case in counter case in Crime No.125 of 2012 and Crime No.148 of 2019 were registered against both the parties.

8. Now, the petition is filed seeking police protection for the purpose of completing plastering work. The petitioner produced the photographs showing the construction work. It is in the plastering stage. When the construction itself is over, it reached the plastering stage. At this stage, the allegation against the respondents that they are making trouble and obstruction is genuine. But, however, police protection cannot be granted for this nature of relief.

9. Even though, the petitioner moved a petition before the District Munsif Court, Authoor, seeking police protection, for the



purpose of completing the plastering work, it was returned for the reason that it is not maintainable. Instead of approaching the competent Civil Court by way of revision for appropriate remedy, this petition has been filed before this Court. So, this petition is a misconceived one.

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10. Moreover, cases have been registered against both the parties. Granting police protection to one of the parties, to complete the plastering work, may not be proper. In the absence of any direction by the Civil Court, this Court cannot go into the disputed factual aspects as it has to be decided by the Trial Court, where the suit is pending.

11. With the above said liberty, this petition stands dismissed.

Sd/-

Assistant Registrar (CS-I)

// 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,
Dinditl,
Dindigul District.

2.The Inspector of Police,
Sempatti Police Station,
Dindigul District.

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

+1 CC to M/s.J.LAWRANCE, Advocate (SR-24522[F] dated 29/07/2021)

Crl.O.P. (MD)No.6231 of 2021
28.07.2021

SAR (CO)

LR (05.08.2021) 3P 5C