



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.07.2021
PRONOUNCED ON : 13.09.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.7403 of 2021

M.Bose ... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District,
Ramanathapuram.

3.G.Murugesan ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 & 2 to give protection to the life and limb of the petitioner and his family members and also the property of the petitioner using as frontage of his house and pass such further or other orders as this Court may deem fit and proper.

For Petitioner : Mr.R.Sevugaraja

For R1 & R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

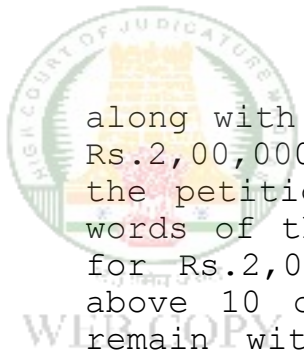
For R3 : Mr.H.Velavadhas

ORDER

This petition is filed seeking direction to the respondents 1 & 2 to give police protection.

2.The case of the petitioner in brief:-

The property in S.No.41/5 and 41/6 situated at Kattivayal Village, Thiruvadanai Taluk, Ramanathapuram District belong to the petitioner by way of purchase on 13.06.2008. He put up construction of house and residing there. The third respondent is a money lender and the petitioner borrowed a sum of Rs. 2,75,000/- from him. The third respondent demanded exorbitant interest. He settled the amount

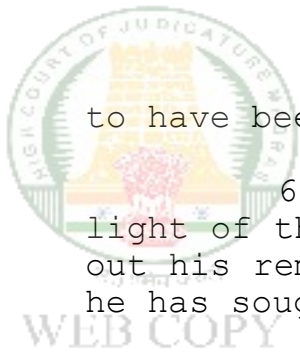


along with interest. Subsequently, in 2009, the petitioner borrowed Rs.2,00,000/- from the third respondent. At that time, he insisted the petitioner to register 10 cents as security. So believing the words of the third respondent, he executed a sale deed as security for Rs.2,00,000/- for 10 cents. But there is no pathway for the above 10 cents. It was agreed that the possession of title must remain with the petitioner. So till now, the petitioner is in possession and title of 86 cents. On 18.02.2021, the third respondent came to the house of the petitioner and shouted and demanded exorbitant interest. So, the petitioner gave a complaint before the second respondent on the same day. Again on 21.02.2021 at about 7.00pm, the wife of the third respondent restrained the wife of the petitioner and attacked with wooden log and abused her. That was also informed to the police. Again on 22.02.2021 at about 8.30 am, the third respondent came to the house of the petitioner and threatened him. That was also informed to the police. Through the above said complaints, the petitioner sought police protection also. In respect of the dispute, suit was filed before the District Munsif cum Judicial Magistrate, Thiruvadanai.

3.The petitioner moved Crl.OP(MD) No.3752 of 2021 before this Court seeking police protection. That was allowed directing the respondent to consider the representation of the petitioner on merits. Only thereafter the case was registered on 15.05.2021. No arrest was made. The third respondent now threatening the petitioner to encroach the above disputed property and put up construction. Hence, this petition.

4.Heard both sides.

5.The dispute between the petitioner and the third respondent arose when it was originally money transaction between them and later turned out to be a sale transaction dispute. The petitioner says that as security purpose, he executed a sale deed in favour of the third respondent. But whereas the case of the third respondent is that it is out and out a sale deed. The recitals in the sale deed shows that it is clear sale deed, which shows that the possession was handed over to the third respondent. As pointed out by the third respondent in the document, it shows that possession was also handed over to the third respondent for enjoyment. When that is being the position, the correctness of the same can be decided only in a suit, which has been filed by the petitioner before the District Munsif cum Judicial Magistrate, Ramanathapuram, which is pending in O.S.No.82 of 2021. The suit has been filed seeking declaration declaring that sale deed dated 24.06.2019 is invalid. So the issue has to be decided only in the above said suit. When suit is pending before the competent civil Court, granting police protection to the petitioner may not arise. But, however, it is seen that on the basis of the complaint given by the petitioner, the case has been registered against the third respondent under Sections 323 and 506(i) IPC. So, the above occurrence said



to have been taken place out of the land dispute.

6. In my considered view, granting police protection in the light of the rival dispute is not proper. The petitioner has to work out his remedy appropriately before the concerned civil Court, since he has sought for permanent injunction.

7. With the above said liberty this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.7403 of 2021
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RD(27.09.2021) 3P 4C