



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.8085 of 2021
(Through Video Conference)

M.Chellappa

... Petitioner

Vs.

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

2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam Taluk,
Theni District.

3.M.Veeraperumal

4.Subbaiah

5.Paramasivam

6.Nagaraj

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first and second respondents to provide adequate police protection to the life and limb of the petitioner and his family members on the basis of the petitioner's representation, dated 08.06.2021.

For Petitioner : Mr.R.Shankar Ganesh
for M/s.Dictum Law Firm

For Rr 1 & 2 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents to provide police protection to the life and limb of the petitioner and his family members on the basis of the representation dated 08.06.2021.



2. The case of the petitioner is that, the property which is under dispute in O.S.No.97 of 2013 on the file of learned District Munsif, Periyakulam belonged to one Jyothi, wife of the petitioner. The third respondent herein, is only a land broker and he has no right, title or enjoyment over the property even in O.S.No.97 of 2013, a plea has been taken that he is a land broker. Except that, he has no right over the property and the suit was also decreed in favour of the wife of the petitioner. Challenging the same, the third respondent has filed A.S.No.6 of 2021 before the Sub Court, Periyakulam and it is still now pending.

3. The learned counsel for the petitioner would submit that since a Civil Court decree has been granted in his favour, police protection must be given to him and based upon the outcome of the Appeal, further remedy can be worked out by the petitioner.

4. The learned Additional Public Prosecutor (crl., side) submitted that since the suit is pending and it is purely civil in nature, police protection cannot be granted.

5. The submission made by the learned Additional Public Prosecutor (Crl. Side) requires consideration. Even though the allegation that the third respondent has no title or right over the property, this Court cannot go into those aspects which requires to be decided only in the Appeal. When an Appeal is pending, it is duty of the petitioner to approach that Court to work out his remedy for protecting the right over the property. So far as the protection to life is concerned, except property dispute, it appears that there is no life threat. The contention that the third respondent has been denied interim injunction by the Appellate Court cannot be a ground for granting police protection. In such circumstances, this Criminal Original Petition is disposed of with a direction to the petitioner to work out his remedy before the Civil Court in which the Appeal is said to be pending.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

WEB COPY

To

- 1.The Superintendent of Police,
Theni District, Theni.
- 2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam Taluk,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P. (MD) No.8085 of 2021

Dated: 21.06.2021

ma (CO)
TR(30.06.2021) 3P 4C