



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.9903 of 2021

P.Chandrasekaran

... Petitioner

vs .

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

2.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

3.Thulasingham
4.Subburaj
5.Murugesan
6.Kalidhoss
7.Amutha
8.Parvathy
9.Pandi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to give adequate police protection to the petitioner's life and limb as well as to planting onion at his land situated in survey Nos.1234/3, 3A1, 3A1B, 3C, 3C2 and survey Nos.197/4, 4B, total measuring 3 acres and 70 cents at Seelaiyampatti Village, Chinnamanur Taluk, Theni District, based on the petitioner's representation, dated 13.07.2021.

For Petitioner : Mr.K.Sathish Kumar

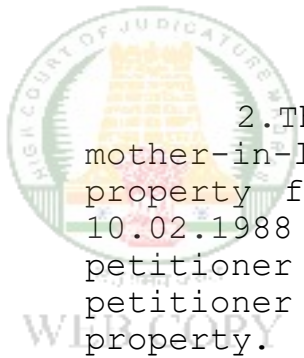
For R1 & R2 : Mr.K.Sanjai Gandhi

Government Advocate (Crl.side)

For R3 to R6 : Mr.R.Saravanan

O R D E R

This petition is filed seeking direction to direct the second respondent to give adequate police protection to the petitioner's life and limb as well as to planting onion at his land situated in survey Nos.1234/3, 3A1, 3A1B, 3C, 3C2 and survey Nos.197/4, 4B, total measuring 3 acres and 70 cents at Seelaiyampatti Village, Chinnamanur Taluk, Theni District,, based on the petitioner's representation, dated 13.07.2021.



2.The case of the prosecution is that the petitioner's mother-in-law namely, Lingammal, purchased the above mentioned property from one Ponnuchamy through registered sale deed, dated 10.02.1988 and thereafter, she gifted the same to the wife of the petitioner through gift deed, dated 05.02.1999. Ever since the petitioner and his wife is in possession and enjoyment of the property. In such circumstance, the respondents 3 to 6 herein, interfered in the peaceful possession of the above said property. So, the wife of the petitioner filed a suit in O.S.No.62 of 2019 before the District Munsif Court, Theni, against the private respondents and ex-parte decree was passed and injunction was granted regarding the suit mentioned property by allowing the suit partly, dated 16.10.2020. Against the dismissal portion, she filed an appeal before the Sub Court, Theni, and the same is pending. So, on the basis of the above said decree, he sent a representation, dated 13.07.2021, seeking police protection for the purpose of cultivation. But, there was no action. Hence this petition.

3.Notice was also ordered to the private respondents and the learned counsel is appeared on behalf of them. Counter affidavit has also been filed by the third respondent.

4.The learned counsel for the respondents 3 to 6 would submit that against the ex-parte decree, the third respondent filed an interlocutory applications in I.A.No.3 of 2021 and I.A.No.2 of 2021, before the concerned Court and the same is also pending.

5.It appears that the third respondent is the sister of the petitioner's wife. But, the third respondent has claimed possession of the property. Since the suit is also pending, granting of police protection to one of the party may not be proper.

6.The learned Government Advocate (Crl.Side) would submit that based on the complaint given by the petitioner, enquiry was undertaken in CSR.No.465 of 2021. But, the petitioner did not appear before the Enquiry Officer and co-operate with him to complete the enquiry. So, it was closed on 17.07.2021.

7.In the above said facts and circumstances, as mentioned earlier, granting of police protection to one of the party may not be proper. So, the petitioner has to work out his remedy in the above said pending suit through appropriate proceedings. Depending upon the order of the Civil Court, the petitioner is at liberty to make a representation to the second respondent and the same can be considered by the second respondent.



8. In view of the above, no relief can be granted to the petitioner and accordingly, this Criminal Original Petition is dismissed.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (A.D I)

/ /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,
Theni.
2. The Inspector of Police,
Chinnamanur Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-31872[F] dated 08/10/2021)

+1 CC to M/s.K.SATHISHKUMAR, Advocate (SR-31992[F] dated 12/10/2021)

Cr1.OP(MD)No.9903 of 2021
08.10.2021

PK(CO)

RS/UV (02.11.2021) 3P 6C