



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P. (MD) No.9791 of 2021

R.Balakrishnan

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Korampallam,
Thoothukudi District,
Thoothukudi.

2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District,
Thoothukudi.

3.J.Sridhar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to give an adequate police protection to the petitioner from the 3rd respondent.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 & R2	: Mr.R.M.Anbunithi
	Additional Public Prosecutor(Crl.Side)
For R3	: Mr.G.Thalai Mutharasu

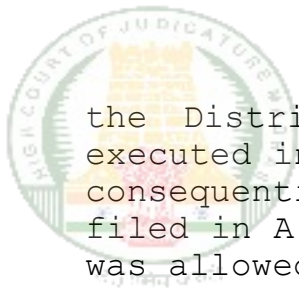
ORDER

This petition is filed seeking police protection on the basis of the representation dated 12.07.2021.

2.The case of the petitioner in brief is as follows:

3.The property in S.No.516/1A situated at Ilupaiurani Village, Kovilpatti Taluk, originally belongs to the petitioner's grandfather, namely, Pottinayakan. After his death, the property devolved upon his 5 children. One among them is the father of the petitioner herein, by name, Periya Ramasamy. The property was under joint possession and enjoyment.

4.One Petchimuthu fraudulently obtained a sale deed from Perumal Samy, S/o.Periya Ramasamy, Sankar Raj, S/o.Chinna Ramasamy, Renga Samy, S/o.Sangava Naicker and Dhanush Kodi, S/o.Seeni Naicker, without the knowledge of other legal heirs. So, the petitioner filed a suit for declaration and injunction in O.S.No.172 of 2003 before



the District Munsif Court, Kovilpatti to declare the sale deed executed in favour of the aforesaid Petchimuthu as illegal and other consequential reliefs. But that suit was dismissed. An appeal was filed in A.S.No.54 of 2007 before the Sub Court, Kovilpatti and that was allowed in favour of this petitioner on 15.04.2009.

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5.The aforesaid Petchimuthu later died on 12.12.2012. After the death of Petchimuthu, his legal heirs executed a sale deed on 30.06.2021 in favour of the 3rd respondent herein in respect of S.No.516/1A. In pursuance of the aforesaid sale deed, he tried to put up a fence, which was objected by the 3rd respondent. So, the petitioner sent a representation dated 12.07.2021 seeking police protection. Since that was not considered, this petition is filed.

6.Heard both sides.

7.Notice was ordered to the 3rd respondent. Since on 22.07.2021, the learned Additional Public Prosecutor (Crl.side) submitted that based upon the complaint given by this petitioner, enquiry was undertaken in CSR.No.464 of 2021 and during the course of enquiry, it was found that it is purely a civil dispute and so, the parties were directed to approach the civil Court for appropriate remedy. On that basis, it came to be closed on 21.07.2021.

8.A closure report was also circulated to this Court by the learned Additional Public Prosecutor (Crl.side), wherein, we find that during the course of enquiry, the petitioner appeared along with his relatives and the 3rd respondent also appeared and he made an undertaking to the effect that he will not make any trouble and will sort the issue through appropriate civil proceedings. It was closed on the basis of the undertaking given by the 3rd respondent.

9.Since the representation made by the petitioner has been closed, on the basis of the undertaking given by the 3rd respondent herein, the prayer sought for in this petition has now become infructuous as grant of police protection may not arise. However, if any trouble arises in future, the petitioner is at liberty to workout his remedy through appropriate proceedings, if any violation is noticed.

10.Recording the statement of the 3rd respondent given before the Enquiry Officer, this petition stands disposed of as infructuous.

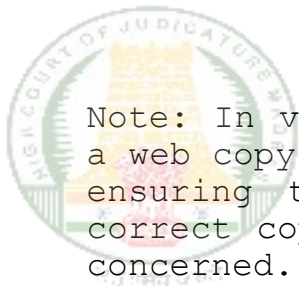
Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

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- To
- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Korampallam,
Thoothukudi District,
Thoothukudi.
 - 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District,
Thoothukudi.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-29414[F] dated 17/09/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-29643[F] dated 20/09/2021)

Crl.O.P. (MD) No.9791 of 2021
16.09.2021

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