



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE G. ILANGO VAN

Crl.O.P. (MD)No.9843 of 2021

WEB COPY

Subramani @ Subramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District.

2.The Circle Inspector of Police (Thathaiyankarpettai P.S),
In-Charge to Jembunathapuram Police Station,
Musiri Taluk, Trichy District.

3.Maruthai

4.Seenivasan

5.Chellammal

6.Lakshmi

7.K.Gajendran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., directing the second respondent to provide adequate police protection to the petitioner's life and limb and his agricultural land in old S.No.324/1, New S.No.354/1B3, Valavanthi Village (West), Musiri Taluk, Trichy District to the extent of 75 cents by considering the representation of the petitioner dated 16.06.2021.

For Petitioner : Mr.Gowrishankar

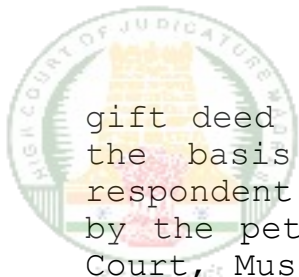
For R1 & R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor.

ORDER

This petition has been filed to direct the second respondent to provide adequate police protection to the petitioner's life and limb and his agricultural land in old S.No.324/1, New S.No.354/1B3, Valavanthi Village (West), Musiri Taluk, Trichy District to the extent of 75 cents by considering the representation of the petitioner dated 16.06.2021.

2. The case of the petitioner is that her mother namely Maruthayee purchased a land in old S.No.324/1, New S.No.354/1B3, Valavanthi Village(west), Musiri Taluk, Trichy District to an extent of 1.50 Acre from one Ramasamy and during her life time, there was an oral partition and western side portion was allotted to the petitioner and eastern side portion was allotted to the fourth respondent, who is none other than the petitioner's brother. The fifth respondent has no right over the property. But, she executed a



gift deed to her children in respect of $\frac{1}{4}$ share in the property. On the basis of the same, they sold the property to the sixth respondent on 09.09.2019, in respect of which, suit has been filed by the petitioner in O.S.No.37 of 2021, before the District Munsif Court, Musiri, seeking permanent injunction. Later, the respondents 3,4 & 6 executed a sale deed to the seventh respondent, including the $\frac{1}{2}$ portion of the petitioner's share allotted by his deceased mother. The seventh respondent tried to trespass into the petitioner's property. Hence, he sent a representation dated 16.06.2021 to the respondents 1 & 2, seeking police protection. Since there is no action on the part of the official respondents, the petitioner is before this Court with this Criminal Original Petition.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor(Crl.side) for the respondents 1 & 2.

4.The learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner, enquiry was undertaken in CSR No.164 of 2021 and during the course of enquiry, both the parties appeared and the petitioner himself agreed that they will work out their remedy in the pending suit and till the disposal of the suit, they will not enter into any dispute and accordingly it was closed on 21.07.2021.

5.Now, it is stated by the learned counsel for the petitioner that such a statement was given by the petitioner under force and a direction may be issued to the official respondents to consider the representation of the petitioner.

6.Notwithstanding the submission made by the learned counsel for the petitioner, when suit was pending for the subject property, such a request cannot be considered by this Court. The parties are directed to approach the concerned civil Court in the manner known law. There is no question of police protection.

7.With the above observation and direction, this Criminal Original Petition is disposed of.

Sd/-

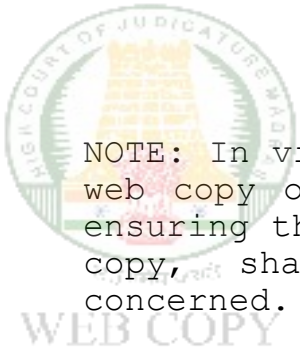
Assistant Registrar (AE)

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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.

To

- 1.The Superintendent of Police,
Trichy District.
- 2.The Circle Inspector of Police (Thathaiyankarpettai P.S),
In-Charge to Jembunathapuram Police Station,
Musiri Taluk, Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SSS (CO)

LR (02.08.2021) 3P 4C