



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM :

WEB COPY

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.13893 of 2021

K.Basaria Banu

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.

2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram.

3.Rajendran

4.Prasath

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 2 to give adequate police protection for the life and limb of the petitioner based on the complaint given by the petitioner dated 23.06.2021.

For Petitioner	: Mr.K.Chengiz Khan
For R-1 & R-2	: Mr.K.Sanjai Gandhi
	Government Advocate
	(Criminal side)

ORDER

This petition has been filed seeking direction to the respondents 1 and 2 to give police protection for the life and limb of the petitioner based on the complaint given by the petitioner dated 23.06.2021.

2.The case of the petitioner is that the petitioner's father, who is the owner of the property in S.No.39/3A, 39/3A2B9 measuring to an extent of 2320 sq.ft, executed a power deed in favour of the petitioner. The third respondent is living in the petitioner's house as a tenant with periodical renewal of agreement. The third respondent committed default to pay the rent arrears which come around to the tune of Rs.2,34,500/-. Thereafter, the petitioner filed a suit in O.S.No.57 of 2017 on the file of the District Munsif Court, Ramnad for ejectment of the respondents from the house



premises and for the recovery of rent arrears. On the other hand the third respondent had also filed a suit in O.S.No.50 of 2016 before the very same Court for seeking relief of injunction restraining them evicting the third respondent except under due process of law. The suit filed by the petitioner's father was decreed by judgment and decree dated 16.03.2018 and directed the private respondents to hand over the premises within two months and to pay the rent arrears and the private respondents agreed to vacate the premises.

3.It was landlord tenant dispute and there was an undertaking to the vacate the premises and hand over the same. But they did not comply the above said undertaking. So the complaint has been given by the petitioner before the respondent police and enquiry was undertaken and during the course of enquiry finding that it is a civil dispute and also on the basis of the undertaking given by the third respondent that he will vacate the premises on or before 31.07.2021, it came to be closed. Even though after the above said deadline, the private respondent did not vacate the premises. Hence, this petition came to be filed, seeking police protection for the purpose of vacating the premises.

4.For the purpose of mediation, notice was ordered to the third and fourth respondents. But the private notice sent by the petitioner was returned as no such addressee and through Court also notice could not be served on them. In this circumstances, the counsel for the petitioner submitted that he may not in a position to serve notice to the respondent, since the correct address is not known to him.

5.In view of the compromise reached between the parties in the above said suit, however, for executing the compromise decree, police protection cannot be granted. He has to file proper execution petition before the concerned Court, seeking police protection for effecting delivery, if any necessity arises.

6.So, I find that except through proper proceedings, police protection for vacate the premises cannot be granted.

7.With the above said directions and liberty this petition stands dismissed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

<https://hcservices.ecourts.gov.in/hcservices/>



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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 Deputy Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.
- 2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.M.HASSANUL BAZARI, Advocate (SR-32881[F] dated
27/10/2021)

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MGJ/SKN(22.11.2021) 3P 5C