



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGO VAN**

Crl.O.P. (MD)No.14910 of 2021

Panchavarnam

... Petitioner

Vs.

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

2.The Sub - Inspector of Police,
Mudukulathur Police Station,
Mudukulathur,
Ramanathapuram District.

3.A.Muthusamy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st Respondent to direct the second respondent to provide adequate protection to the petitioner's life and limb by considering the petitioner's complaint in C.S.R.No.233/2021 dated 25.08.2021 and 31.08.2019, within the period as stipulated by this Court.

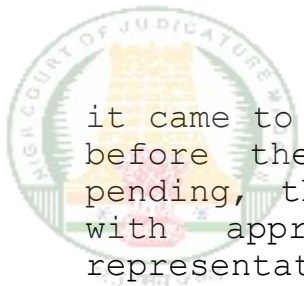
For Petitioner	: Mr.A.Haja Mohideen
For R1 & R2	: Mr.RMS.Sethuraman
	Additional Public Prosecutor

ORDER

This petition is filed seeking direction to the second respondent to provide police protection on the basis of the complaint dated 25.08.2021 and 31.08.2021.

2.The learned counsel appearing for the petitioner would submit that in respect of property dispute in Survey No.575/2, suit in O.S.No.54 of 2019 came to be filed by the third respondent and in the above said suit, I.A.No.250 of 2019 was also filed seeking temporary injunction and that came to be dismissed. In spite of dismissal of the above said Interlocutory Application, the third respondent has made continuous trouble to the petitioner. Hence, the petitioner send representation, which is not considered so far. Hence, this petition.

3.The learned Additional Public Prosecutor would submit that based upon the representation made by the petitioner, enquiry was undertaken in CSR No.233 of 2021 and during the course of enquiry,



it came to light that the suit in O.S.No.54 of 2019 is still pending before the District Munsif Court, Mudukulathur. Since suit is pending, the parties were advised to approach the concerned Court with appropriate proceedings. With the above advice, the representation given by the petitioner was closed on 25.08.2021.

WEB COPY

4.The learned counsel appearing for the petitioner would submit that even though the complaint has been closed and temporary injunction petition was dismissed by the trial Court, police protection must be provided to the petitioner.

5.The contention raised by the petitioner is not acceptable. Since civil suit is pending before the concerned Court, the parties will have to approach the concerned Court through appropriate proceedings. In this situation, granting police protection to one of the parties does not arise. Without resorting to such civil remedy, the petitioner is before this Court with the present petition, which is not proper. Observing that civil suit is pending, the respondent police has rightly closed the complaint. The petitioner has to work out his remedy in the above said suit, which is pending before the District Munsif Court, Mudukulathur.

6.With the above observation and liberty, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 District Munsif,
Mudukulathur.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.



3.The Sub - Inspector of Police,
Mudukulathur Police Station,
Mudukulathur,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) No.14910 of 2021
04.10.2021

NSN (CO) /RS (18.10.2021) 3P 5C