



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.20556 of 2021

WEB COPY

N.Nallathambi

... Petitioner

Vs.

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

2. The Inspector of Police,
Ponnamaravathy police station,
Pudukkottai District.

3. Malaisamy

4. Sivaji

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct respondents 1 and 2 to provide necessary police protection to the petitioner's life and limb on the basis of his representation dated 08.12.2021.

For Petitioner : Mr.K.G.Arun Kumar

For Respondents : Mr.M.Sakthi Kumar,
1&2 Government Advocate.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 and 2.

2. The private respondents herein are said to be nephews of the petitioner herein. The grievance of the petitioner is that when he began to put up a construction in his land, he was being prevented by respondents 3 and 4. Even though he moved the second respondent with a complaint, the second respondent has not chosen to intervene. Hence, this criminal original petition has been filed for directing the second respondent to provide police protection.

3. Though the petitioner seeks protection for his life and limb, it is obvious that the issue pertains to a property dispute. Since the petitioner is not having any enforceable order or decree from the jurisdictional civil Court, I am not in a position to grant relief under Section 482 of Cr.P.C.

4. However, the learned counsel appearing for the petitioner states that he will file a civil suit before the jurisdictional



civil Court in the first week of January 2022. If such a suit is filed, the jurisdictional civil Court is directed to number the same, provided the petitioner fulfills usual formalities. The petitioner is at liberty to file I.A. seeking interim injunction and if such an I.A. is filed, the same will be disposed of on merits and in accordance with law within a period of three weeks, thereafter. I make it clear that I have not gone into the merits of the matter. Direction issued in this case to speedily number the suit and dispose the I.A. shall not be construed as prejudicing positive defences which the private respondents may have.

5. With this direction, observation and clarification, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

23 /11/2021

Sub Assistant Registrar (CS-IV)

PMU

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 Principal District Judge,
Pudukkottai District.
(With a request to forward a copy of this
order to the Jurisdiction Munsif Court)
2. The Superintendent of Police,
Pudukkottai District, Pudukkottai.
3. The Inspector of Police,
Ponnamaravathy police station, Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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MGJ(23.12.2021) 2P 5C

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