



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.01.2022
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.795 of 2022

Ramanathan

... Petitioner

Versus

1.The State rep. by
The Inspector of Police,
Marakkanam Police Station,
Villupuram District.

2.Devanathan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to consider the petitioner's representation dated 08.12.2020 and 05.09.2021 consequently give protection to the petitioner to do the cultivation in his agricultural land.

For Petitioner : Mr.S.N.Subramani

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor
* * * * *

O R D E R

This Criminal Original Petition is filed to direct the first respondent to consider the petitioner's representation dated 08.12.2020 and 05.09.2021 consequently give protection to the petitioner to do the cultivation in his agricultural land.

2.The learned counsel appearing for the petitioner submits that the petitioner had lodged a complaint on 08.12.2020 and 05.09.2021. The respondent police are not taken any action, and not given any protection to carry on the cultivating activities. The petitioner had inherited the property through family partition. One Devanathan S/o. Gopal and his son are obstructing the petitioner to enjoy the property. In view of the same, the petitioner filed a suit in O.S.No.90 of 2015 pending on the file of the District Munsif Court, Tindivanam. The petitioner had filed an Interlocutory Application in I.A.No.523 of 2015 seeking temporary injunction. In the above said petitioner, the petitioner had



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obtained an interim injunction order on 11.08.2016. Despite the petitioner armed with the Civil Court injunction order, the said persons are obstructing the enjoyment of the property. The respondent police are not taken any action on the petitioner's complaint.

3.The learned Additional Public Prosecutor submits that the petitioner had lodged a complaint dated 27.07.2017 through online. Thereafter the other complaint dated 05.09.2021, has not received and no proof has been furnished by the petitioner for sending the above said complaints through online. On the earlier complaint, C.S.R.No.365 of 2019 assigned. The petitioner was called for enquiry, he failed to appear, thereafter the same was closed and now filed the present petition. There is no reason to state that the respondent police was indulged in the case. He further submitted that the Civil Suit in O.S.No.90 of 2015 is still pending before the District Munsif Court, Tindivanam. The petitioner is advised to seek his remedy by approaching the Civil Court.

4.Considering the submissions and on perusal of materials, this Court directs the petitioner to file a fresh Interlocutory Application with necessary prayer before the Civil Court. In the event of any complaint filed in future with regard to the physical harm, the respondent police is directed to give proper protection to the petitioner.

5.With the above directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Munsif Court, Tindivanam.

2.The Inspector of Police,
Marakkanam Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.N.Subramani, Advocate Sr.NO. 4146

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PCH (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SK(09.02.2022)