



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Cr1.O.P. (MD) .No.14460 of 2021

WEB COPY

S.Sivarubramaniya Marthandan

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
O/O. the Deputy Superintendent of Police
Sathankulam, Thoothukudi District,

3.The Inspector of Police,
Thattarmadam Police Station,
Sathankulam Taluk,
Thoothukudi District,

4.M.Samuvel

5.Yoseppu

6.A.Chelladurai

7.S.Anthony Muthu Nadar

8.S.Jeyaraj

9.Koilmani

10.Swamuyaddiyan

11.John

12.Manuvel

13.Wilson Jesudas

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondents 2 and 3 to give adequate police protection to the petitioner and his family members' life and liberty enabling them to enjoy their property which is situated in the Sathankulam Taluk, Arasoor Village-I, Ayyan Punjai Survey



No.1371/15A (Patta No.342) against the fourth respondent to thirteenth respondent and their henchmen.

For Petitioner : Mr.V.Rajiv Rufus
For R1 to R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor

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For R4 to R13 : Mr.R.J.Karthick

ORDER

The criminal original petition has been filed seeking a direction to the respondents 2 and 3 to give adequate police protection to the petitioner and his family members' life and liberty enabling them to enjoy their property, which is situated in the Sathankulam Taluk, Arasoor Village-I, Ayyan Punjai Survey No.1371/15A (Patta No.342) against the fourth respondent to thirteenth respondent and their henchmen.

2.The learned Additional Public Prosecutor appearing for the respondent police stated that based on the complaint lodged by the petitioner, he was issued with CSR.No.480/2021. Subsequently, it was enquired and closed as civil in nature.

3.However, the learned Counsel appearing for the petitioner would submit that on the complaint lodged by the counter parties, seeking direction under Section 156(3) of Cr.P.C. in CrI.M.P.No.453/2021, the learned Judicial Magistrate, Sathankulam, by order dated 25.03.2021, recorded that the subject property is a private property particularly, it belongs to the petitioner herein and as such, the other villagers have no right to use the property as burial ground. Further observed that the entire allegations made in the complaint lodged by the counter parties are civil issues and no criminal offences are made out. Therefore, their complaint was dismissed. Even till today, the third respondent without registering any FIR as against the counter parties, simply closed the complaint as civil in nature.

4.In view of the above, the criminal original petition stands disposed of. The petitioner is at liberty to lodge a fresh complaint on fresh cause of action, if so advised.

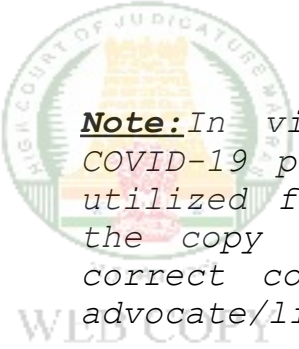
Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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,
Thoothukudi District,
Thoothukudi.
2. The Deputy Superintendent of Police,
O/O. the Deputy Superintendent of Police
Sathankulam, Thoothukudi District
3. The Inspector of Police,
Thattarmadam Police Station,
Sathankulam Taluk,
Thoothukudi District,
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MGJ(26.05.2022) 3P 5C