



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.20341 of 2021

S.Muthuvel

... Petitioner / Aggrieved person

Vs.

1. The Commissioner of Police,
Tirunelveli City.

2. The Assistant Commissioner of Police,
Law & Order,
Perumalpuram,
Tirunelveli City.

3. The Inspector of Police,
Perumalpuram police station,
Tirunelveli City.

4. Nithya Bharathi

... Respondents / Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct respondents 1 to 3 to award adequate police protection to the petitioner and his wife to have their unhindered stay in the house situated at No.644-A6, Sivanthipatti Main Road, Thiyagaraja Nagar, Tirunelveli - 11 exclusively belonged to the petitioner on the strength of the complaints made by him dated 07.12.2021 and 15.12.2021.

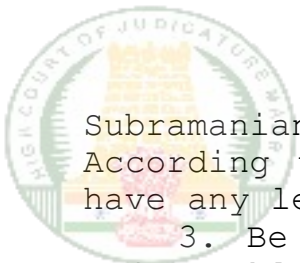
For Petitioner : Mr.R.Anand
For R-1 to R-3 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side).

For R-4 : Ms.Nithya Bharathi,
Party-in-Person.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for respondents 1 to 3 and the fourth respondent in person.

2. The petitioner wants this Court to direct the respondent police to grant him police protection so that he and his wife can have an unhindered stay in the petition mentioned house. There is no dispute that the petition mentioned house belongs to the petitioner herein. The relationship between the petitioner's son Sri Rama



Subramanian and the fourth respondent has come under strain. According to the petitioner herein, the fourth respondent does not have any legal right to stay in his house.

3. Be that as it may, since the petitioner is not having any enforceable order or decree from the jurisdictional civil Court or any other competent forum, I am not in a position to invoke the inherent powers under Section 482 of Cr.P.C. in favour of the petitioner.

4. Hence, this criminal original petition is dismissed. I make it clear that all the other remedies which the petitioner or his wife may have are left open. I have not gone into the merits of the matter. I dismiss this petition purely on the grounds of maintainability. Dismissal of this criminal original petition will not come in the way of the petitioner and his wife exercising their rights in the manner known to law.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Commissioner of Police,
Tirunelveli City.
2. The Assistant Commissioner of Police,
Law & Order,
Perumalpuram,
Tirunelveli City.
3. The Inspector of Police,
Perumalpuram police station,
Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P. (MD) No.20341 of 2021

11.01.2022