



Crl.O.P.(MD)No.21735 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21735 of 2022

Sahul Hameed

: Petitioner

Vs.

1.State rep.through
The Superintendent of Police,
Tenkasi, Tenkasi District.

2.State rep. Through
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

3.Nizamudeen

4.Diwakathar

5.Salman Mohaideen @ Salmankan

6.Kaboor Ali

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to give police protection for the petitioner's life and limb, for using peaceful enjoyment of property in Re.S.No.757, measuring to an extent of 1 cent at Vanam



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Kaal, Tenkasi Village and Taluk, Tenkasi District on the basis of her suit decreed in her favour in O.S.No.251 of 2020 before the District Munsif Court, Tenkasi and the petitioner's representation, dated 01.12.2022.

For Petitioner : Mr.M.Murugan,

For R1 & R2 : Mr.R.Sivakumar,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., to direct the respondents 1 and 2 to give police protection for the petitioner's life and limb, for using peaceful enjoyment of property in Re.S.No.757, measuring to an extent of 1 cent at Vanam Kaal, Tenkasi Village and Taluk, Tenkasi District on the basis of her suit decreed in her favour in O.S.No.251 of 2020 before the District Munsif Court, Tenkasi and the petitioner's representation, dated 01.12.2022.

2.It is evident from the records that the petitioner has filed a civil suit in O.S.No.251 of 2020 against the third respondent and two others for permanent injunction, restraining the first defendant and his men from in any manner evicting the petitioner or from interfering with the



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peaceful possession and enjoyment of the property and the learned District Munsif, has passed the judgment, dated 23.09.2022, granting permanent injunction as prayed for.

3.The learned counsel for the petitioner would submit that since the third respondent along with his men has started to interfere with the petitioner's peaceful possession, he was constrained to lodge the complaint and on that basis, FIR came to be registered in Crime No.107 of 2021, dated 24.02.2021 against the respondents 4 to 6, for the offences under Sections 294(b), 427, 342 and 506(i) IPC.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that after completing the investigation, charge sheet has been filed and the case was disposed of.

5.The learned counsel for the petitioner would further submit that after disposal of the case, the fourth respondent has again disturbed the petitioner's possession and hence, the petitioner was constrained to give representation, dated 01.12.2022, but, no action has been taken so far.



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6. The learned Government Advocate (Criminal Side) appearing for the State would submit that the representation was received only on 07.12.2022 and the same is pending.

7. Recording the submission made by both sides, the second respondent is directed to consider the petitioner's representation, dated 01.12.2022 and take suitable action within a period of two weeks from the date of receipt of copy of this order.

8. With the above directions, this Criminal Original Petition is disposed of.

09.12.2022

Index : Yes / No
Internet : Yes / No
das



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To

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- 1.The Superintendent of Police,
Tenkasi, Tenkasi District.
- 2.State rep. Through
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.21735 of 2022

Dated: 09.12.2022