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Crl.OP.No.3871 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3871 of 2023

C.Vediappan

... Petitioner

Vs.

1.District Superintendent of Police,
Office of the District Superintendent of Police,
Dharmapuri District.

2. Inspector of Police,
Palacode Police Station,
Palacode Taluk,
Dharmapuri District.

3. G.Sankar

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to give necessary police protection to the petitioner and his family members for taking possession of the shop bearing No.5/97 in the building of the petitioner comprised in S.No.906/3A4A and 906/3A4B, Palacode, Palacode Taluk, Dharmapuri District near to Palacode Bus stand.

For Petitioner

: Mr.R.Ramesh Raja

For Respondents

: Mr.S.Santhosh (R1 & R2)
Government Advocate(Crl.side)



Crl.OP.No.3871 of 2023

ORDER

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This Criminal Original Petition has been filed to direct the respondents to give necessary police protection to the petitioner and his family members for taking possession of the shop bearing No.5/97 in the building of the petitioner comprised in S.No.906/3A4A and 906/3A4B, Palacode, Palacode Taluk, Dharmapuri District near to Palacode Bus stand.

2. The learned counsel for the petitioner submitted that 3rd accused had illegally taken possession of the shop bearing No.5/97 comprised in S.No.906/3A4A and 906/3A4B, Palacode, Palacode Taluk, Dharmapuri District near to Palacode Bus stand. In this regard, petitioner filed Crl.O.P.No.8133 of 2016 for registering a complaint against the accused. This Court on 21.04.2016, gave a direction to the respondent police to register a case against the accused, if any cognizable offence is made out. Thereafter, FIR in Crime No.251 of 2016 was registered for the offence under Sections 294(b), 447, 506(1) of IPC registered by the Palacode Police against one Shankar and two others. Thereafter, petitioner again gave a complaint against the encroachers on 17.11.2022. However, respondent police gave only petition enquiry receipt



Crl.OP.No.3871 of 2023

Number in C.S.R.No.44 of 2023. Under such circumstances, present petition is
filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on the basis of the complaint given by the petitioner, enquiry was conducted and the petitioner gave a written undertaking that he would take appropriate steps before the competent Civil Court.

4. In response, learned counsel for the petitioner submitted that petitioner was forced to give such an undertaking.

5. Considered the rival submissions and perused the records. From the facts narrated above, it is apparent case that the 3rd respondent had encroached the petitioner's property. FIR allegations also confirms this. Therefore, the only remedy available to the petitioner is to approach the competent civil Court for appropriate relief of police protection. Petitioner is directed to approach the competent Civil Court for appropriate relief.



Crl.OP.No.3871 of 2023

WEB COPY

6. Accordingly, this Criminal Original Petition is disposed of.

22.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1.District Superintendent of Police,
Office of the District Superintendent of Police,
Dharmapuri District.

2. Inspector of Police,
Palacode Police Station,
Palacode Taluk,
Dharmapuri District.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.OP.No.3871 of 2023

G.CHANDRASEKHARAN,J.

Sma

Crl.O.P.No.3871 of 2023

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