



Crl.O.P.No.6342 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6342 of 2023

M.Kannan

... Petitioner

Vs.

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

2.The Inspector of Police,
Keelkuppam Police Station,
Kallakurichi District.

3.Subramanian

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., directing the 2nd respondent namely the Inspector of Police, Keelkuppam Police Station, Kallakurichi District to give police protection to the petitioner to put up a fence around his land, which is mentioned in the complaint on the basis of the petitioner's complaint to the 2nd respondent dated 15.02.2023.

For Petitioner : Ms.T.Nithya

For R-1 & 2 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

For R3 : Mr.A.Ramesh



Crl.O.P.No.6342 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed for directing the 2nd respondent namely the Inspector of Police, Keelkuppam Police Station, Kallakurichi District to give police protection to the petitioner to put up a fence around his land, which is mentioned in the complaint on the basis of the petitioner's complaint to the 2nd respondent dated 15.02.2023.

2. Learned counsel for the petitioner submitted that, petitioner is the absolute owner of the property concerned in O.S.No.413 of 2012. Since petitioner's brother namely 3rd respondent is obstructing the possession and enjoyment of the property, petitioner filed a Suit for declaration and possession. The Suit was decreed in favour of plaintiff on 30.10.2013. Petitioner also filed execution petition. Petitioner is in the possession of the property, eventhough execution petition is filed. Therefore, representation was given seeking police protection. However, respondent has not provided police protection, necessitating filing of this petition.

3. In reply, learned counsel for the 3rd respondent submitted that, against the judgment and decree in O.S.No.413 of 2012, 3rd respondent filed Appeal in A.S.No.73 of 2022 and it is pending on the file of Sub-Court, Kalakurichi.



Crl.O.P.No.6342 of 2023

WEB COPY

4. Considered the submissions and perused the records.

5. It is seen from the submissions of the learned counsel for the parties that, there are litigations both civil and criminal, pending between the petitioner and 3rd respondent. Though petitioner succeeded in O.S.No.413 of 2012 filed for declaration and possession, now there is an Appeal pending against the judgment and decree. The Suit itself filed for declaration and possession, meaning that, petitioner is not in possession of the property. Therefore, petitioner's claim for police protection, when Appeal in A.S.No.73 of 2022 is pending, cannot be entertained.

6. In view of the above, this Criminal Original Petition is dismissed.

23.06.2023

Index: Yes/No
Speaking/Non speaking order
gd



WEB COPY



Crl.O.P.No.6342 of 2023

G.CHANDRASEKHARAN.J.,

gd

To

- 1.The Superintendent of Police,
Kallakurichi,
Kallakurichi District.
- 2.The Inspector of Police,
Keelkuppam Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.6342 of 2023

23.06.2023