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Crl.O.P.No.32620 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32620 of 2022

Samikannu

... Petitioner

Vs.

1.The Superintendent of Police,
Perambalur District.

2.The Inspector of Police,
Kunnam Police Station,
Perambalur District.

3.Muthusamy

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondents to consider the representation of the petitioner dated 15.12.2022 and to provide police protection for the petitioner to do agricultural activities in accordance with law within a time framed fixed by this Court.

For Petitioner : Mr.G.Ilamurugu

For R1 & R2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R3 : Mr.Y.Alice Chitra
Legal Aid Counsel



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ORDER

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The petitioner seeking police protection sent a representation dated 15.12.2022 to the respondents 1 and 2 through on-line but no action has been taken. Hence, the present petition is filed.

2.The complaint of the petitioner is that the petitioner had three sons and one daughter, he is carrying on agricultural activities along with his three sons. He own lands in Paravaai Villlage in S.No.21/1 measuring an extend of 0.79.50 hectare and S.No.28/2 measuring an extent of 0.88.50 hectare. The petitioner's grandfather purchased the lands in the year 1919 and 1922, the petitioner and his forefathers were doing agricultural activities in the said lands and further, they are residing adjacent to their lands. This being so, one Marudhambal, Dharmalingam and Chinnapillai who all belong to Scheduled Caste Community were claiming that they belong to Pudhuvettakudi and Paravaai Village and the lands belong to their forefathers. Further, they were in the habit of giving false complaint against the petitioner taking benefit of SC/ST Act and not permitting the petitioner to carry on with his agricultural activities. The petitioner is claiming right



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over the property and obstructed the same. Whenever the petitioner lodged a complaint for obstruction and threat for his life, the Police is not taking any action for the reason that the obstructors belong to Scheduled Caste community, who are taking advantage of that and lodging false complaint. The Police though know the truth are not taking any action and failed to give protection to the petitioner.

3.The learned counsel for the petitioner submits that two false cases have been registered against the petitioner under SC/ST Act in Crime Nos.330/2019 and 49/2022 with similar allegations. Crime No.330/2019 was by way of Court endorsement by the learned Judicial Magistrate No.II, Perambalur which the learned Judicial Magistrate is not competent and as regards Crime No.49 of 2022 since the Special Court for SC/ST [PoA] Act Sessions Judge, Perambalur forwarded the complaint, the respondent police registered the FIR. He would submit that the petitioner's forefathers purchased the property and enjoying the same for decades. He would further submit that with ulterior motive, a false case has been lodged and using the same, they were attempting to take away the petitioner's property.



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Hence, he lodged a complaint and for the in-action on the part of the respondents 1 and 2, the present petition is filed.

4.Learned Additional Public Prosecutor submits that a civil suit between the petitioner, the third respondent and others are pending in O.S.No.233 of 2018 before the Sub Court, Cuddalore. He would submit that two cases against the petitioner in Crime Nos.330/2019 and 49/2022 have been registered including the offence under SC/ST Act. He further submit that in respect of Crime No.330/2019 investigation completed and charge sheet has been filed in S.C.No.63/2020 and as regards as Crime No.49/2022, investigation completed and charge sheet has been filed before the Concerned Court on 08.08.2022. He would further submit that the petitioner in his representation had suppressed about the pendency of the civil suit in O.S.No.233 of 2018. He further submitted that if the petitioner has got any grievance, he has to seek remedy through the Civil Court by filing appropriate petition. There have been case and counter case with regard to the ownership and enjoyment of the property which the respondent police cannot enter into.



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5.The learned counsel for the third respondent submits that the primary contention of the third respondent is that the petitioner suppressing the pendency of the civil suit sent a representation to the respondent police and approached this Court and attempting to circumvent the civil dispute into a criminal case and seeks police protection. She further submits that the petitioner relies upon the two documents in 1919 and 1922, in both these documents the schedule of the property is not mentioned. She would further submit that the third respondent group is also identified as Poosari, taking advantage of the similarity of Poosari the petitioner attempted to usurp the property of the third respondent and the third respondent is defending the suit in O.S.No.233 of 2018. She further submitted that it is for the petitioner to prove his title in the Civil Court and get the declaration and thereafter to seek police protection if there is any objection but in this case that stage has not reached and only the civil suit is pending.

6.In view of the above submission, this Court finds no specific order can be given. From the submission made by the learned counsel for the



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petitioner and the learned Additional Public Prosecutor, it is seen that investigation in both the cases in Crime Nos.330/2019 and 49/2022 is completed and in view of the same, the respondent police is directed not to call the petitioner unnecessarily under the guise of investigation. Further, both the petitioner and the third respondent are advised to approach the Civil Court seeking their relief.

7. With the above direction, the Criminal Original Petition stands disposed of.

30.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
cse



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- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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