



Crl.O.P.(MD)No.1731 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1731 of 2023

S.Shajahan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Kenikkarai Police Station,
Sethupathy Nagar,
Ramanathapuram.

3.R.G.Rathinam @ Rathinavelsamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 herein to afford adequate and effective police protection to the petitioner and his family members from the illegal attacks, obstruction and life threats made by the third respondent and their men.



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For Petitioner : Mr.R.R.Thamothar Raj
For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl. Side)
For R3 : Mr.R.Anand

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the respondents 1 and 2 to afford adequate and effective police protection to the petitioner and his family members from the illegal attacks, obstruction and life threats made by the third respondent and their men.

2. The learned counsel appearing for the petitioner would submit that one Sirajudeen has filed a civil suit in O.S.No.33 of 2010 on the file of the Sub Court, Ramanathapuram seeking the relief of declaration and for permanent injunction in respect of the property in dispute and the same was dismissed and the said Sirajudeen, after contesting the suit, has preferred an appeal before the Principal District Court, Ramanathapuram in A.S.No.25 of 2020 and the same was dismissed on 29.01.2021 and that the third respondent now at the instance of the said Sirajudeen has



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been attempting to interfere with the petitioner's peaceful possession and enjoyment. He would further submit that the third respondent is now claiming the title over the property in dispute.

3. Since the third respondent claimed the title over the property in dispute, the remedy available to the petitioner is to approach the jurisdictional civil Court and as such, the granting of police protection does not arise at all. As of now, leaving open the petitioner's rights and remedies, this Criminal Original Petition is dismissed.

30.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Kenikkarai Police Station,
Sethupathy Nagar,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.1731 of 2023

Dated: 30.01.2023