



W.P(MD) No.13890 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.08.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.13890 of 2021

M.Kalimuthu

... Petitioner

-Vs-

1. The Superintendent of Police
Dindigul

2. The Inspector of Police
Reddiyarchatram Police Station,
Dindigul District

3. M.Dhandapani

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondent to accord suitable police protection to life and limb of petitioner and his family members and also to accord protection to his property situated in Dindigul Dt, Dindigul Tk, Agaram Village, S.F.No.260, 261/1 out of Acre 4.18 cents an extent Acre 1.10 cents on the Eastern side of 3rd respondents property based on his representation dt. 12.07.2021

For Petitioner : Mr. R.S.Sivaraman

For R1 and R2 : Mr. R.M.Anbunithi
Additional Public Prosecutor

For R3 : Mr.R.M.Suresh



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the respondents 1 and 2 to accord suitable police protection to life and limb of petitioner and his family members and also to accord protection to his property situated in Agaram Village, Dindigul District in S.F.No.260, 261/1 out of Acre 4.18 cents an extent Acre 1.10 cents on the Eastern side of 3rd respondents property based on his representation dated 12.07.2021

2. According to the petitioner there is a civil dispute pending between the parties and thereby there was frequent wordy quarrel between them and on 04.02.2021 the third respondent along with his henchmen tried to block the pathway, hence he preferred complaint with the second respondent for which CSR No.17 of 2021 was also given and enquiry could not be completed due to Covid-19 lockdown. When the said complaint is pending on 20.06.2021 the third respondent along with one Suresh claiming to be an advocate and member of Ruling party and some henchmen entered into the property and damaged the boundary stones and steel wire fencing with the help of JCB and thereby caused damage to the worth of Rs.2,37,000/-. On hearing the information the petitioner reached the



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spot and thereafter preferred complaint before the second respondent on the same day and for that also another CSR No.93 of 2021 was given, but they failed to take any action. Thereafter on 08.07.2021 when the petitioner went to the property, the third respondent along with his men Annadurai and some other henchmen abused the petitioner in filthy language and gave life threat to the petitioner. Thereafter he again lodged complaint to the second respondent and no action was taken. Thereafter he lastly gave representation dated 12.07.2021 to the first respondent to direct the second respondent to take action on that complaint and also to accord protection to his property, but no action was taken, hence the present petition has been filed.

3. No counter was filed by the respondents.

4. The learned Additional Public Prosecutor appearing for the official respondents represented that the representation of the petitioner was considered by the police and the same was closed. Further during enquiry both the parties agreed to go before civil Court and seek remedy through Court of law.



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5. The learned counsel appearing for the petitioner fairly conceded that civil suit is pending but even after closure report again the private respondent is causing threat to the petitioner.

6. Heard both sides and perused the materials available on record.

7. In view of the submission made by the learned counsel appearing on either side and also the fact that the already the representation of the petitioner was considered and closed the petition has become infructuous. However if any criminal acts done by the respondents the petitioner is at liberty to approach the concerned police for seeking appropriate remedy, further if the petitioner is aggrieved by the closure report he can approach the learned Judicial Magistrate for seeking appropriate remedy in accordance with law..

8. With the above observation, the Writ Petition stands disposed of. No costs.

03.08.2023

Index : Yes/No
Internet : Yes/No
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To

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1. The Superintendent of Police
Dindigul
2. The Inspector of Police
Reddiyarchatram Police Station,
Dindigul District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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P.DHANABAL, J.

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