



CRL.O.P.(MD)No.12322 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CRL.O.P.(MD)No.12322 of 2023

Jobber Khan @ Jakubar Khan

... Petitioner

Vs

1.The Superintendent of Police, Kanyakumari District.

2.The Inspector of Police,
Kollancode Police Station, Kanyakumari District.

3.Chempaka Pillai

4.Shaji Kumar

5.Sheeja

6.Siji

7.Justin Kumar

8.Sagayadasan

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the first and second respondents to provide adequate police protection to the petitioner and his family members while they enjoy their property right in Old.Sy.No.1232/7 correlated to Re.Sy.No.548/7 of Kollancode “B” Village.

For Petitioner : Mr.K.P.Narayanakumar

For R-1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



CRL.O.P.(MD)No.12322 of 2023

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ORDER

This petition is filed seeking for a direction to the police to provide adequate police protection to the petitioner and his family members and also to the property.

2. It is submitted by the learned counsel for the petitioner that the owner of the property in Old.Sy.No.1232/7 correlated to Re.Sy.No.548/7 is situated in Kollancode “B” Village, which got of as per the decree in O.S.No.874 of 1969. It is submitted that though certain documents in Document Nos.2286, 2292, 2287, 2291 and 2288 were created in respect of land in Survey No.548/7, subsequently, those documents were cancelled as per the decree in O.S.No.874 of 1969, which has become final. The petitioner has given a representation dated 23.02.2023 to the Superintendent of Police and the Inspector of Police by Registered Post and in spite of which, the unofficial respondents are trying to encroach and thereby, sought for a direction to provide appropriate direction.

3. It is submitted by the learned Government Advocate (Criminal Side) that earlier, the petitioner has given similar representation and it was registered as C.S.R.No.396 of 2022 and the said petition was enquired into and disposed of, wherein, the petitioner and other parties have given undertaking



CRL.O.P.(MD)No.12322 of 2023

that they would approach the appropriate forum in order to get their grievances redressed. It is submitted that in spite of that, the petitioner has come forward one more round of litigation instead of approaching the Civil Court. It is submitted by the learned counsel for the petitioner that based on the undertaking given before the police in C.S.R.No.369 of 2022, he moved a petition before the first respondent and filed this petition.

4. Considering the submissions on both sides, it is clear that the disputes between the petitioner and respondent Nos.4 to 8 are purely civil in nature. The petitioner should have approached the Civil Court seeking for a direction against the respondent Nos.3 to 8 by filing a suit for injunction not to interfere.

5. Insofar as the representation made by the petitioner with the respondents 1 and 2 is concerned, apart from seeking for a protection, it is also stated that the respondent Nos.3 to 8 are trying to trespass into the properties belonging to the petitioner which amounts to attempt to commit an offence.

6. Considering the above, the respondent Police are directed to consider the representation dated 23.02.2023 given by the petitioner and complete the enquiry within four (4) weeks from the date of receipt of order and



CRL.O.P.(MD)No.12322 of 2023

the petitioner is directed to co-operate with the enquiry and submit all the materials required for the purpose of hearing.

7. In view of the above, the Criminal Original Petition stands disposed of.

07.07.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Kollancode Police Station,
Kanyakumari District.z
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL.O.P.(MD)No.12322 of 2023

DR.D.NAGARJUN, J.

tsg

CRL.O.P.(MD)No.12322 of 2023

07.07.2023