



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.12838 of 2023

P.Shanmugasundaram

... Petitioner

Vs.

- 1.The Inspector of Police,
Trichy City, Trichy.
- 2.The Inspector of Police,
Srirangam Police Station,
Trichy District.
- 3.A.Kumar

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing respondent Nos.1 and 2 to consider the petitioner's representation dated 21.06.2023 and give adequate Police protection to the petitioner and his family enabling them to enjoy their property without the interference of the third respondent herein as per the interim order of the Civil Court in O.S.No.1471 of 2014 on the file of the I Additional District Munsif Court, Trichy and to take action against the third respondent.

For Petitioner : Mr.N.Anandakumar
For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking for a direction to respondent Nos.1 and 2 to consider the representation of the petitioner dated 21.06.2023.



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2. It is submitted by learned counsel for the petitioner that un-official respondent and one Rajendran, are the co-owners of certain immovable properties and both of them, have divided the said property by way of partition deed, dated 11.12.1980. Out of the share, which fell to the share of Rajendran, the petitioner has purchased the property under the registered sale deed dated 07.11.1987. However, respondent No.3 is trying to intervene in the property that is purchased by the petitioner. The petitioner has filed O.S.No.1471 of 2014 before the learned I Additional District Munsif, Tirunelveli and in which, the petitioner has filed I.A.No.931 of 2014 seeking for the relief of interim injunction and interim injunction was stated to have been granted and till date, the said suit is pending. In spite of it, respondent No.3 stated to have been interfering in the property and thereby, he sought for appropriate Police protection.

3. Learned Government Advocate (Criminal Side) on the other hand submits that the petitioner has sent a representation dated 21.06.2023 directly to the Commissioner of Police, who, in-turn, has forwarded the same to respondent No.2 Police and basing on that, respondent No.2 has made an enquiry, on which, respondent No.3 has



appeared and reported that they will resolve the issues in the appropriate Civil Court.

4. Since the disputes between the petitioner and respondent No.3 are purely civil in nature, the respondent Police are rightly refrained from interfering in the complaint from the petitioner. Once the petitioner gets a direction from the appropriate Civil Court for Police protection, the Police shall require to provide the protection in order to protect the petitioner from dispossessing by the defendants in O.S.No.1471 of 2014.

5. With this observation, this Criminal Original Petition stands dismissed. Since the dispute between the petitioner and respondent No.3 is purely civil in nature, the respondent Police are directed not to interfere in the civil dispute between them. However, if any offence is either committed or attempt to be committed, the Police are entitled to take appropriate action by following due process.

18.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
tsg



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To

- 1.The Inspector of Police,
Trichy City, Trichy.
- 2.The Inspector of Police,
Srirangam Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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