



Crl.O.P.(MD) No.15085 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.15085 of 2023

Jayakumar

... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Sub Inspector of Police,
Aasaripallam Police Station,
Kanyakumari District.

3.Irudhayarajan

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd Respondent to give necessary police protection to the petitioner's life and limb based on the representation dated 09.08.2023.

For Petitioner
For R1 and R2

:Mr.S.Saravanakumar
:Mr.B.Thanga Aravindh
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondent police to provide protection to the petitioner basing on the representation of the petitioner dated 09.08.2023.

2.According to the learned counsel for the petitioner, the petitioner is the owner of the property in S.No.517/29B situated at Aalur Village, Kalkulam Taluk, Kanyakumari District, basing on a registered settlement deed dated 27.07.2009 bearing Doc.No.2802/2009 and the unofficial respondent No.3 disputing the said settlement deed has filed O.S.No.50 of 2021 on the file of the District Munsif Court, Eraniel and the same was partly allowed while rejecting the claim insofar as the petitioner's property is concerned. It is submitted that subsequent to reaching finality of the civil suit, when the petitioner intended to raise construction, the unofficial respondent No.3 is trying to obstruct the same and therefore, sought for police protection.



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3.The learned Government Advocate (Crl.side) on the other hand submits that the representation given by the petitioner is registered as CSR.No.394 of 2023 and an enquiry is being initiated. However, the petitioner without cooperating for the enquiry has approached this Court seeking directions.

4.The dispute between the petitioner and the respondent No.3 is purely civil in nature. If at all the petitioner is under the threat of disposition or if the unofficial respondent No.3 is obstructing the petitioner from raising construction in his own land, the petitioner should have approached the civil Court and file a suit for injunction restraining the respondent No.3 not to disturb or interfere while construction is being made.

5.It is not clear that whether the petitioner has obtained permission from the Municipal Authorities for the construction of the house. Since it is reported by the learned Additional Public Prosecutor that the enquiry on the representation of the petitioner is still pending, the petitioner is directed to approach the respondent police and participate with enquiry, on which the respondent police are directed to expedite the enquiry in view of the fact that whether the permission is obtained by



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the petitioner for construction of the house and complete the enquiry as expeditiously as possible, not later than two weeks thereafter. It is needless to state that the respondent police are not required to intervene in the civil dispute, unless any offence is committed or about to be committed.

6. With the above directions, this Petition is disposed of.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

29.08.2023

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To

1. The Superintendent of Police,
Nagercoil, Kanyakumari District.
2. The Sub Inspector of Police,
Aasaripallam Police Station,
Kanyakumari 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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