



Crl.O.P.(MD)No.15934 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.15934 of 2023

Angamuthu

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District,
Madurai.

2. The Inspector of Police,
Melur Police Station,
Melur,
Madurai District.

3. Jahir Hussain

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to give adequate Police Protection for life and limb of the Petitioner and his family members on the basis of the petitioner's representation dated 26.07.2023.

For Petitioner : No appearance

For R1 and R2 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl. Side).

For R3 : Mr.R.Pon Karthikeyan



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the 2nd respondent to give adequate Police Protection for life and limb of the Petitioner and his family members on the basis of the petitioner's representation dated 26.07.2023.

2. It is an issue between the tenant and the owner of the property. Seeking Police protection, the petitioner sent a representation dated 26.07.2023.

3. There is no representation for the petitioner.

4. The learned counsel for the third respondent is present and stated that the petitioner approached this Court for a relief in W.P(MD) No.8215 of 2017 to direct the Inspector of Police, Melur Police Station, Madurai, not to interfere the dispute between him and the third respondent. That was disposed of by directing the petitioner to approach the concerned Civil Court for appropriate remedy.



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5. The learned counsel for the third respondent would submit that one Kaliyappan filed a suit in O.S.No.533 of 2004 for permanent injunction that was allowed, over which, the third respondent filed appeal in A.S.No.11 of 2005 before the Sub Court, Melur, that was allowed. Not satisfied with the decree passed by the concerned trial Court, second appeal was filed by one Sudanthiradevi and others in S.A(MD) No.342 of 2013, that was dismissed and S.L.P was filed by them, that was also came to be dismissed at the admission stage itself.

6. But however, the petitioner claims that he was put in possession by one Kaliyappan and from 1999 onwards he is in possession.

7. It is further submitted by the learned counsel for the third respondent that inspite of failure in several rounds of litigation, this petition has been filed seeking Police protection, on the ground that the third respondent alleged to have broke open the shop, trespassed into the same and occupied.



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8. In view of the above said history, whether this petitioner was put in possession by the said Kaliyappan from 1999 cannot be the matter for consideration by the civil Court and not by the respondent herein. When the litigations, failed against the said Kaliyappan, then this petitioner cannot claim any legal possession over the property. So, the representation that is made by the petitioner seeking Police protection is completely out of place and cannot be entertained. I find no reason to issue any direction to the respondents.

9. Hence, this petition is dismissed.

06.10.2023

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

Indu



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G.ILANGO VAN,J.

Indu

To

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

Order made in
Crl.O.P.(MD)No.15934 of 2023

Dated:06.10.2023