



CrI.O.P.(MD) No.16537 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.16537 of 2023

V. Ponnusamy

... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Sub Inspector of Police,
Perumalpuram Police station,
Tirunelveli District.

3. Sudha

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent to provide adequate police protection to the petitioner's life and limb by considering the representation of the petitioner, dated 07.08.2023.

For Petitioner

: Mr.P.Singaravel

For R1 & R-2

: Mr.SS.Madhavan,
Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking for a direction to the respondent Police to provide police protection to the petitioner, basing on a complaint, dated 07.08.2023.

2. It is submitted by learned counsel for the petitioner that the petitioner has filed O.S.No.137 of 2007 on the file of the District Munsif Court, Tirunelveli, against the third respondent, seeking for perpetual injunction and the said suit was decreed in favour of the petitioner and no appeal is filed, thereby, the said decree has become final. The petitioner has filed E.P.No.1 of 2010 for execution of the decree as an attempt was made by the fourth respondent to intervene with the petitioner's possession, however, the said immovable property purchased by him, vide Document No.1199 of 1983 to an extent of 1 Acre 84 Cents in Survey No.72/1 at V.M.Sathram Village. It is submitted that now the third respondent again made an attempt to encroach the property belonging to the petitioner and a complaint has been filed before respondent Nos.1 and 2 Police and they have orally informed the petitioner to go to Civil Court. It is submitted that the petitioner has already approached the Civil Court and obtained decree, thereby, sought for suitable directions.



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3. Learned Government Advocate (Criminal Side) submits that though the petitioner has enclosed the copy of the complaint allegedly sent to the respondent Police, the respondent Police have not received the same and there is no acknowledgement filed before the Court evidencing that the complaint has been received by the respondent Police.

4. Considering the submissions made by both sides, since the respondent Police have submitted that the complaint has not been received from the petitioner, this criminal original petition is disposed of, directing the petitioner to file a fresh application before the respondent Police by enclosing the copies of the Civil Court decree and proceedings in the Execution Petition and on filing of such, the respondent Police are directed to consider the representation in respect of providing suitable police protection basing on the directions given in the circular of the DGP.

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

20.09.2023

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DR.D.NAGARJUN. J.

tsg

To

- 1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.
- 2.The Sub Inspector of Police,
Perumalpuram Police station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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