



Crl.O.P.(MD).No.17102 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.17102 of 2023

M. Amarnath

... Petitioner

Vs.

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

2.The State rep.by
The Inspector of Police,
Nesamani Nagar Police Station (Circle),
Nagercoil,
Kanyakumari District.

3.Maheswari

4.Usha

5.Kanagaraj

6.Muralidharan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondents No.1 and 2 to consider the petitioners representation dated 16.06.2023 submitted in

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person to the 1st respondent for adequate police protection to the life and limb of the petitioner and his family beside registration of the case against the Respondents No.3 to 6 herein in the relevant Sections of Indian Penal Code according to the circumstances of the case and also ordering for departmental enquiry against the 6th Respondent within time frame by this Court.

For Petitioner : Mr. B.Prahalad Ravi
For R1 & R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)
For R3 to R5 : Mr.C.K.M.Appaji

ORDER

This Criminal Original Petition is filed to direct the respondents No.1 and 2 to consider the petitioners representation dated 16.06.2023 submitted in person to the 1st respondent for adequate police protection to the life and limb of the petitioner and his family beside registration of the case against the Respondents No.3 to 5 herein.

2. It is seen that Crl.O.P(MD)No.9826 of 2023 was filed by this petitioner seeking a direction to the second respondent not to harass and



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interfere with the possession of the petitioner. In view of the matter, the private respondents were also entered appearance and after hearing both sides, the following observation was made by this Court.

"4.The learned Additional Public Prosecutor would submit that in the enquiry, both the parties have appeared and gave statement that they will not make any trouble to each other. The petitioner gave a statement that no improvement will be made without the permission of landlord. It is also stated that a suit is pending between the parties in respect of the very same property, on the basis of the some alleged sale agreement.

5.Let the parties workout their remedy in the pending suit itself. If any fabrication of records has been made by the petitioner, it is for the third respondent to take proper action. Absolutely, that allegation is not found place in the above said complaint. Therefore, nothing survives in this matter for any consideration."

After disposing of the petition on 07.06.2023, the present petition is filed seeking direction to grant police protection to the petitioner. In the light of the observation made by this Court in the earlier application, this Criminal Original Petition is not maintainable. The petitioner is at liberty to work out remedy in the pending suit.



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3. With this direction, this Criminal Original Petition is dismissed.

09.11.2023

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

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To

- 1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 2.The State rep.by
The Inspector of Police,
Nesamani Nagar Police Station (Circle),
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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