



CrI.O.P.(MD)No.20646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13/12/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

CrI.OP(MD)No.20646 of 2023

D.Parimalam : Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.

2.The Deputy Superintendent of Police,
Palani Taluk,
Dindigul District.

3.The Inspector of Police,
Neickarapatti Police Station,
Palani Taluk,
Dindigul District.

4.M.Thangavel

5.T.Kannan : Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the respondent No.1 to 3 to provide adequate police protection to the petitioner to life and limb of the petitioner and her family members from respondent Nos.4 and 5 and pass such further or other orders.

For Petitioner : Mr.K.Pragadeesh Kumar

For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For R4 and R5 : Mr.S.Raja



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O R D E R

WEB COPY This criminal original petition has been filed seeking for direction to the respondents 1 to 3 to provide adequate police protection to the petitioner and her family members from the respondents 4 and 5.

2.The facts in brief:-

(i)The petitioner purchased the property measuring about 4320 square feet in Survey No.636/3 situated in Ayyampulli Village, Palani Taluk, Dindigul District, on 21/07/1989. In that property, he built a small house. The petitioner being TNEB employee, he requested the 4th respondent to take care of the old aged mother, who is staying in that property.

(ii)In the year 2018, the property belongs to the petitioner and her husband were settled among the children. In the above said settlement, the petitioner's property was settled in favour of her daughter namely Krishnaveni. Krishnaveni visited the property. At that time, the respondents 4 and 5 obstructed her. She locked the property. Later, it was broken by the respondents 4 and 5. Thereafter, the 4th respondent filed a suit in O.S No.27 of 2019 before the District Munsif Court, Palani, for permanent injunction. It was dismissed with costs on



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30/03/2022. Similarly, a case in Crime No.8 of 2021 was also registered for the offences under sections 34, 420, 465, 467, 468, 471, 474 and 506(i) of IPC against the 4th respondent and others. The 4th respondent filed Crl.OP(MD)No.3747 of 2022 seeking quashment of the same. After investigation, final report was filed, taken cognizance in CC No.448 of 2023. When the petitioner and her family members visited the property for doing maintenance work, they were assaulted by the private respondents and others. In this regard, a complaint was given, on 16/04/2022. Now, appeal is also preferred by the 4th respondent in AS No.19 of 2022 before the Principal Sub Court, Palani. That was also dismissed. Seeking police protection, she sent a representation, which was not considered. Hence, this petition.

3.Heard both sides.

4.A long standing issue between the petitioner and the 4th respondent herein. Repeated complaints were given by this petitioner against the 4th respondent and others, over which, a case in Crime No.8 of 2021 was also registered, which was also now charge sheeted. Apart from the criminal cases, the 4th respondent initiated civil proceedings in O.S No.27 of 2019 on the file of the



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District Munsif Court, Palani against this petitioner, seeking a decree of permanent injunction. In that suit, he has stated that he is in possession of the property as othidarar. So he should not be evicted otherwise than under due process of law. But the suit was resisted by the petitioner stating that the othi deed, now claimed by the 4th respondent is a fabricated document and never the 4th respondent was in possession.

5.After elaborate consideration, the trial court recorded a finding that the 4th respondent though in possession of the property, it is not legal. So the character and nature of the possession was not established by the 4th respondent. Since no legal possession was established, the 4th respondent was denied the relief of injunction. Against which, appeal was preferred by the 4th respondent before the Principal Sub Judge, Palani, in A.S No.19 of 2022. That also came to be dismissed, confirming the judgment and decree of the trial court. It is a clear finding to the effect that the 4th respondent is in possession of the property. But again legal possession was not established. On that account, the appeal was also dismissed.



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6.Now this petition is filed stating that whenever visit is made by the petitioner for the purpose of maintaining the properties, they are prevented. But the civil court decree and finding does indicate that the 4th respondent is in possession, but the possession is not lawful.

7.Remedy available to the petitioner is to seek recovery of possession. Without resorting to the civil court proceedings for recovery of possession, a complaint has been given seeking police protection. The effect of the prayer is to render assistance with the help of the police to take the possession from the 4th respondent herein. Such a course is not at all available to the petitioner. Police protection cannot be rendered for such an act. So I find absolutely no reason to entertain this petition.

8.In the result, this criminal original petition is **dismissed.**

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Index:Yes/No
Internet:Yes/No
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To,

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Office of the Superintendent of Police,
Dindigul District.
- 2.The Deputy Superintendent of Police,
Palani Taluk,
Dindigul District.
- 3.The Inspector of Police,
Neickarapatti Police Station,
Palani Taluk,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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