



Crl.O.P.(MD)No.7 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.7 of 2023

Jahir Usain

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
O/o.the Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.

3.Syed Masud Diwan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent to provide adequate police protection to the petitioner's life and limb by considering the petitioner's representation, dated 02.02.2022.

For Petitioner : Mr.M.Maharaja,
for Mr.S.Nihar Ali,

For R1 & R2 : Mr.R.Sivakumar,
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to direct the second respondent to provide adequate police protection to the petitioner's life and limb by considering the petitioner's representation, dated 02.02.2022.

2. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would submit that on the basis of the complaint given by the petitioner, CSR.No.87 of 2022 came to be registered and after enquiry, the petition was ordered to be closed and he has produced the copy of the closure order.

3. It is evident from the order since the dispute relates to the property and on the basis of the statement made by the parties that they will sort out their issues through the Court, closed the complaint.



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4. But as rightly contended by the learned counsel for the petitioner, the petitioner has filed a suit in O.S.No.112 of 2003 and obtained decree for declaration and permanent injunction, dated 29.11.2003 and that there was no appeal, challenging the said judgment and decree.

5. The learned counsel for the petitioner would submit that without considering the decision of the competent Civil Court, the respondent Police has simply closed the complaint.

6. Considering the above, the decision of the second respondent in closing the complaint is not proper and not in accordance with law and the same is liable to be set aside.

7. The second respondent is directed to consider the petitioner's representation, dated 02.02.2022, taking note of the decree granted by the competent Civil Court and pass orders within a period of two weeks from the date of receipt of copy of this order.



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WEB COPY 8. With the above directions, the Criminal Original Petition is disposed of.

25.01.2023

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

To

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tenkasi District.
- 2.The Inspector of Police,
O/o.the Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
CrI.O.P.(MD)No.7 of 2023

Dated: 25.01.2023