



Crl.O.P.No.27265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.27265 of 2024

D.Radha Pillai @ Radhakrishnan

... Petitioner

Versus

- 1.State represented by
The Superintendent of Police,
Villupuram District,
Villupuram – 605 002.
- 2.The Deputy Superintendent of Police,
Tindivanam Circle,
Tindivanam,
Villupuram District – 604 001.
- 3.The Inspector of Police,
C-1, Tindivanam Police Station,
Tindivanam,
Villupuram District – 604 001.
- 4.The Sub-Inspector of Police,
C2, Olakur Police Station,
Tindivanam Circle,
Villupuram District – 604 101.



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5.Kannan

6.Ayyam Perumal

... Respondents

PRAYER : Criminal Original Petition filed under Sections 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to direct the 4th respondent to provide adequate police protection by considering the petitioner's representation dated 16.09.2024.

For Petitioner : Mr.K.Balasubramaniam

For RR 1 to 4 : Mr.S.Udayakumar
Government Advocate (Crl. Side)

For RR 5 & 6 : Mr.S.N.Subramani

ORDER

This petition has been filed seeking a direction to the 4th respondent to provide adequate police protection to the petitioner by considering his representation dated 16.09.2024.

2.The contention of the petitioner is that petitioner herein is the defendant in O.S.No.22 of 1987. The plaintiffs are the respondents 5 & 6



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herein. The plaintiffs succeeded in the suit. Aggrieved against the same, the petitioner/defendant filed an appeal in A.S.No.16 of 1993 and the appeal was allowed, against which, the respondents 5 & 6/plaintiffs filed second appeal in S.A.No.811 of 2010, which was dismissed for non prosecution on 18.04.2023. Thereafter, due to the continuous threat to the petitioner, he sent a representation to the respondents 1 to 4 to provide police protection. Since the respondent police not taken any steps, the present petition is filed.

3.The learned counsel for respondents 5 and 6 submitted that the respondents/plaintiffs succeeded in the suit. In the appeal, the petitioner/defendant succeeded, which was on the wrong appreciation of facts and evidence, against which, the respondents 5 and 6 filed second appeal and the same was dismissed. He further submitted that the possession is with them. The petitioner having failed in the civil suit, taking advantage of second appeal being dismissed on technicality for non prosecution, now attempted to take possession by force using the police. He further submitted



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that the restoration petition was filed in C.M.P.No.23753 of 2024, in which, notice was served to the petitioner and he received the same.

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4.The learned Government Advocate (Crl. Side) submitted that the respondents 5 and 6 are plaintiffs in the civil suit. Based on the complaint received, CSR No.455 of 2024 assigned by the third respondent. When the petitioner was called for enquiry he has not appeared. In the meanwhile, he filed the above petition. He further submitted that on local enquiry it was found that civil suit is going on from the year 1987 between the parties. In the event of petitioner obtaining civil order in his favour and the Execution Court ordering police protection, in such circumstances, the respondent police can provide police protection, otherwise the police will not involve themselves in the civil dispute.



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5.Recording the said submission, the Criminal Original Petition is
dismissed.

30.10.2024

Index : Yes / No
Internet : Yes/No
Speaking / Non-speaking order
Neutral citation : Yes/No
rsi

To

- 1.The Superintendent of Police,
Villupuram District,
Villupuram – 605 002.
- 2.The Deputy Superintendent of Police,
Tindivanam Circle,
Tindivanam,
Villupuram District – 604 001.
- 3.The Inspector of Police,
C-1, Tindivanam Police Station,
Tindivanam,
Villupuram District – 604 001.



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4.The Sub-Inspector of Police,
C2, Olakur Police Station,
Tindivanam Circle, Villupuram District – 604 101.

5.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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