



Crl.O.P.(MD) No.68 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.68 of 2024

Nagarajan

... Petitioner

Vs.

1.The Superintendent of Police,

District Police Office,

Kanyakumari District.

2.The Inspector of Police,

Nithiravilai Police Station,

Kanyakumari District.

3.Jegan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the 1st to 3rd Respondent to provide adequate police protection to the life and limb of the Petitioner by considering the representation of the Petitioner dated 20.12.2023.

For Petitioner : Mr.L.Jeen Felix

**For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1 & 2
: Mr.T.Antony Arulraj for R3**



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ORDER

This Criminal Original Petition has been filed to direct the Respondents 1 to 3, to provide adequate police protection to the life and limb of the Petitioner by considering the representation of the Petitioner dated 20.12.2023.

2. When the case came up for hearing today, the learned counsel for the Petitioner submits that the Petitioner had lodged a Complaint with the 2nd Respondent – Inspector of Police, Nithiravilai Police Station, Kanyakumari District. Since the Respondent Police had not taken action, he had approached this Court, seeking direction to provide Police Protection on the life and limb of the Petitioner.

3. The learned Additional Public Prosecutor submits that both the Parties, ie. 3rd Respondent and Petitioner, had given Complaint against each other, which had been registered in C.S.R.Nos.879 and 880 of 2023, on 14.12.2023 and C.S.R.Nos.897 of 2023, on 22.12.2023 and C.S.R.No.1



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of 2024, on 01.01.2024 and the same was closed stating that both the Parties are claiming right over the same property. Therefore, they are advised to approach Civil Court.

4. The learned Counsel for the 3rd Respondent submits that the Case had been pending as the Second Appeal before this Court, in which, the Vendor of the Petitioner herein is the Appellant in Second Appeal. They had suffered decree. Having filed Second Appeal, the Vendor of the Petitioner had sold the Property, during the pendency of the Second Appeal and they have no right to give Complaint against the 3rd Respondent. Further, he submits that upto the Second Appeal, decree is in favour of the 3rd Respondent.

5. Having purchased the Property during the pendency of the Second Appeal, the Petitioner cannot seek direction from this Court to the Respondents 1 and 2. The Conduct of the Petitioner herein attracts “*lis pendens*”. He has to suffer the risk of “*Lis Pendens*”.



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6. With the above observation, this Petition is dismissed.

Internet: Yes./No
Index: Yes/No
NCC : Yes/No
Ls

04.01.2024

To

- 1.The Superintendent of Police,
District Police Office,
Kanyakumari District.
- 2.The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LS

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