



Crl.O.P.(MD)No.96 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.96 of 2024

Murugesan

...Petitioner

Vs.

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

2. The Inspector of Police,
Sanarpatti Police Station,
Dindigul District.

3. Muthukumar

4. Amutha

5. Ponnar

6. Thirumalai Gounder

7. Veeralakkammal

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the second Respondent to provide Police Protection to life and limb of the Petitioner and his family members from the Respondents No.3 to 7.



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For Petitioner : Mr.R.Murugappan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition had been filed seeking direction against the second Respondent to provide Police Protection to life and limb of the Petitioner and his family members from the Respondents No.3 to 7.

2. The learned Counsel for the Peititoner submitted that the Petitioner is in enjoyment for 47 years of possession in Survey Nos.320/1 and 321/1B2, Anjukulipatti village, Dindigul East Taluk, Dindigul District. The Property stands in the name of the Petitioner's wife and mother in law. The Respondents No.3 to 7 wanted to purchase the property for which the petitioner and his family members were not willing. Therefore, the Respondents No.3 to 7 had damaged the crops, particularly, the coconut trees and the mango trees and also caused damage to agricultural field by running a tractor, trespassing into the land belonging to the Petitioner's wife. The petitioner had given a complaint to the second respondent and the second respondent had not taken any action. Therefore, the Petitioner seeks protection for the life and limb of the members of the Petitioners family and also protection for the property.



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3. The Respondents No.3 to 7 also approached the Civil Court, they did not obtain any orders. Since the properties are in the name of the petitioner's wife and mother in law. The patta also stands in the name of the Petitioner's wife and his mother-in-law. What they could not achieve through Civil Court, they are attempting to achieve by way of force. Therefore, the Petitioner seeks Police Protection.

4. The learned Additional Public Prosecutor submitted that earlier also the petitioner herein approached the writ petition, in which, this Court has ordered to survey the lands. In this case, they are the complainant and counter complainant . Both the parties had not appeared before this Court after issuing summon by the second respondent. The learned Additional Public Prosecutor, on instruction from the second Respondent submitted that CSR No.1296 of 2023 was registered and the summons issued to both the parties. Both the parties did not appear before the second respondent. Further, he would submit that as per the order in the writ petition, it is a dispute involved with regard to the same property among the parties. Therefore, they seek remedy through the Civil Court and this Criminal Original Petition is not maintainable.



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5. Considering the submissions of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor, the submission of the learned Additional Public Prosecutor is found to be acceptable in the light of an earlier order passed by this Court in W.P.(MD)No.4655 of 2022, dated 16.03.2022. Therefore, the Petitioner is directed to approach the Civil Court and obtain appropriate orders.

6. With the above said direction, this Criminal Original Petition is dismissed.

05.01.2024

Index : Yes/No

Internet: Yes/No

jbr

To

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Sanarpatti Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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