



Crl.O.P.(MD) No.664 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.01.2024

CORAM:

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD) No.664 of 2024

E.Jeyaraman

... Petitioner

Vs.

1.The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi.

2.Sugarthi @ Farziua Nikal

3.Ramkumar Raja

4.N.Ajithkumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent to give police protection for the petitioner's life and limb while enjoying the property on the basis of the Judgment and decree passed in O.S.No.69 of 2016 dated 19.03.2019 before the 2nd Additional District Court, Thoothukudi by considering the petitioner's representation dated 06.06.2023 and in accordance with law.



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For Petitioner : Mr.H.Arumugam
For R-1 : Mr.T.SenthilKumar
Additional Public Prosecutor

ORDER

This petition is filed for a direction to the first respondent to give police protection for the petitioner's life and to enjoy the property on the basis of the Judgment and Decree passed in O.S.No.69 of 2016 dated 19.03.2019 on the file of the 2nd Additional District Court, Thoothukudi by considering the petitioner's representation dated 06.06.2023.

2. The grievance of the petitioner is that though he is in possession of 33 shops situated in Survey No.453/3, Odaikadai Bazaar, 2nd Ward, Ettaiyapuram Village and Taluk, Thoothukudi District and a decree and judgment was passed in O.S.No.69 of 2016 dated 19.03.2019, with regard to the subject property in favour of the petitioner, the private respondents are attempting to interfere with his peaceful possession and enjoyment of the said property and in this regard, the petitioner gave a representation dated 06.06.2023 to the first respondent police. Since no steps have been taken by the respondent police, the petitioner has filed this criminal original petition.



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3. The learned Additional Public Prosecutor on instructions would contend that the third respondent had filed Writ Petitions in W.P.(MD). Nos.12407 of 2023 and 10532 of 2023 before this Court. Since the matter in dispute between both the parties is purely civil in nature and the allegations mentioned in the complaint has not been prima facie made out, the said representation is closed.

4. The learned counsel for the petitioner relied on the decision taken in ***Radhika Sri Hari and another Vs Commissioner of Police, Coimbatore City*** reported in ***2014 (2) CTC 695***, and contended that when police protection is sought for implementation of a Civil Court order, it should be given readily and that police should not insist on a specific Court direction to give police protection.

5. In the instant case, though it is contended by the present petitioner that the private respondents are threatening him with dire consequences, a perusal of the reading of the representation given by the petitioner shows that the private respondents are not permitting the petitioner from renovating his shop. Since the learned Additional Public Prosecutor had clearly stated that no such incident



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had taken place as alleged by the petitioner, the complaint given by the petitioner was closed by the police.

6. In such circumstances, I do not see any reason to allow the present petition and accordingly, this Criminal Original Petition is dismissed. If the petitioner is aggrieved over the orders passed by the police officials, he can always file a private complaint before the concerned Judicial Magistrate, if so advised.

18.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. HEMALATHA, J.

Nsr

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