



CrI.O.P.(MD) No.2160 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P(MD)No.2160 of 2024

Shyam

...Petitioner

VS

**1.The Superintendent of Police,
Kanniyakumari, Kanniyakumari District.**

**2.The Inspector of Police,
Kollencode Police Station,Kanniyakumari District.**

3.Nirmalan

4.Reguvaran

5.Pranav

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second Respondent to accord Police protection to the Petitioner's life and limb forthwith in light of the Petitioner's representation, dated 07.10.2023.

For Petitioner	: Mr.R.L.Dhilipan Pandian
For R1 and R2	: Mr.T.Senthil Kumar
	Additional Public Prosecutor
For R3 to R5	:Mr.Sivakumar



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ORDER

The Criminal Original Petition had been filed seeking a direction to the second Respondent to accord Police protection to the Petitioner's life and limb

2.The learned Counsel for the Petitioner submitted that the Petitioner had purchased an immovable property house and a house site in the public auction conducted by the Indian Overseas Bank under the SARFAESI Act for default committed by the borrower. In continuation of the public auction, the Petitioner was granted possession of the property. As on date, the Petitioner is in possession. While so, the third Respondent, who was the previous owner, is alleged to have threatened the Petitioner to hand over the property to him, which the Petitioner had purchased in the public auction conducted by the Indian Overseas Bank. Since, there was a threat to the Petitioner, he had already given a complaint to the Second Respondent/Inspector of Police, Kollencode Police Station, Kanniyakumari District, but they had not taken any action. In spite of the complaint given by the Petitioner that the person, who had obtained loan and who had



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committed default, is threatening the Petitioner from using the property.

Subsequently, the relatives of the person, who had committed default in repayment of home loan is alleged to have trespassed into the house of the Petitioner and attacked him which caused injuries on him and made the Petitioner to lodge a complaint. Based on the complaint, the second Respondent had registered a case in Crime No.19 of 2024 for the offences punishable under Sections 294(b), 323, 427 and 506(ii) of I.P.C., against the accused.

3.The learned Additional Public Prosecutor, on instructions from the second Respondent, submitted that a case had already been registered for the attack on the Petitioner. It is his further submission that based on the complaint of the Bank Manager, another case was also registered against the third Respondent herein. The learned Additional Public Prosecutor submitted that both the in Crime.No.149 of 2023 and in Crime No.19 of 2024 are pending on the file of the second Respondent and the accused had been arrested and remanded.

4.In the light of the above development, the Superintendent of Police,



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Kanniyakumari District and the Inspector of Police, Kollancode Police Station, Kanniyakumari District, were directed to produce the Respondents 3 to 5 and the case was adjourned to 20.02.2024.

5.Today, 20.02.2024, Mr.P.Ajayakumar, Special Sub Inspector of Police, Kollancode Police Station, Kanniyakumari District, had produced the Respondents 3 to 5. When the Court raised a query, they denied the submissions made by the learned Counsel for the Petitioner.

6.On behalf of the Respondents 3 to 5, one Thiru.Sivakumar, learned Counsel, made a representation that he is likely to file vakalat for the Respondents 3 to 5 and seeking time to file counter. The same was declined by the Court and reprimanded the learned Counsel, Thiru.Sivakumar, that this is a case involving purchase of property by the Petitioner in a public auction conducted by the Indian Overseas Bank. Therefore, when a purchaser of the property in public auction is enjoying the property, even though the person, who claims to be a previous owner, does not have any right to interfere. If at all, they have any right, it is to be agitated before the Civil Court or before the Debts Recovery Tribunal.



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7.To give a quietus, the Respondents 3 to 5 were directed to give affidavits that they will not threaten or interfere with the possession of the Petitioner and they were made to wait till that affidavits are filed.

8.By 06.20 pm., the Respondents 3 to 5 filed affidavits in the presence of Mr..R.L.Dhilipan Pandian, learned Counsel for the Petitioner, Mr.P.Senthil Kumar, learned Additional Public Prosecutor, Mr.M.Veeranthiran, learned Government Advocate (Crl.side), Mr.B.Thanga Aravindh, learned Government Advocate (Crl.side) and in the presence of Mr.Sivakumar, learned Counsel, who has made representation that he is likely to file vakalat for the Respondents 3 to 5. Mr.Pranvav, fifth Respondent, a practicing Counsel, who is the son of the third Respondent, had read over the contents of the affidavits and explained to the father and uncle, who are other Respondents.

9.As per the contents of the affidavits filed individually, they reserve their valuable rights agitate before appropriate forum. Without prejudice to their rights, they undertake that they will not threaten or interfere with the



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Petitioner.

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10.In the presence of Mr.P.Senthil Kumar, learned Additional Public Prosecutor, Mr.M.Veeranthiran, learned Government Advocate (Crl.side) and Mr.T.Thanga Aravindh, learned Government Advocate (Crl.side) and in the presence of Mr.Sivakumar, learned Counsel, who undertook to file vakalat for the Respondents 3 to 5, the affidavits are recorded and the Petitioner is given a quietus. The Respondents 1 and 2 shall ensure the safety of the persons, who had purchased the property in public auction.

With the above, the ***Criminal Original Petition*** is closed.

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

20.02.2024

cmr

To

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

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2.The Inspector of Police,
Kollencode Police Station,Kanniyakumari District.

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SATHI KUMAR SUKUMARA KURUP, J.

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