



CrI.O.P.(MD) No.3735 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3735 of 2024

A.Murugan

...Petitioner

VS

**1.The Superintendent of Police,
O/o. Superintendent of Police,
Theni District.**

**2.The Inspector of Police,
Gudalur Police Station,
Theni District.**

3.Ramar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondents 1 and 2 to give necessary police protection to the life and limb of the Petitioner by considering his representation dated 15.02.2024 within the period that may be stipulated by this Court.

**For Petitioner : Mr.S.Vinodh
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (CrI.side)**



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ORDER

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The learned Counsel for the Petitioner submits that the Petitioner had purchased the property to an extent of 22 cents in Gudalur. While so, the third Respondent is misusing the property by taking Alcohol and Narcotic Drugs. Therefore, the Petitioner seeks police protection against the third Respondent from attempting to interfere in the possession of the property.

2.As per the submission of the learned Counsel for the Petitioner, the purchase through a duly registered sale deed by the Petitioner was in the year 2020. Patta was also transferred in the name of the Petitioner. The third Respondent has no right to interfere with the possession, whereas he is threatening the Petitioner. Therefore, the Petitioner seeks protection considering the fact that he had been granted patta and based on the sale deed.

3.Further, it is found that as per the undertaking given by the third Respondent, the Petitioner agreed to sell the property for Rs.14,00,000/- after entering into a sale agreement with the third Respondent's son. Further, it is stated that the third Respondent is having a petty shop in the disputed



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property. Therefore, the Petitioner had approached the Police for removal of the petty shop put up by the third Respondent. What had been represented by the learned Government Advocate (Crl.side) involves disputed facts, which are to be agitated before the Civil Court.

4.The learned Government Advocate (Crl.side), on instruction of the Respondents 1 and 2, submits that the Petitioner and the third Respondent herein had entered into a sale agreement, in which the third Respondent agreed to sell the property for Rs.14,00,000/-. The Petitioner had paid only Rs.10,000/-. Therefore, the complaint was given by the third Respondent against the Petitioner, in which the second Respondent had summoned the Petitioner as well as the third Respondent. At that time, the Petitioner herein had given an undertaking that he will seek remedy through the Civil Court. Therefore, the enquiry was closed. Considering the fact that the dispute between the Petitioner and the third Respondent arose due to sale agreement, in which the possession is still with the third Respondent, this Court cannot order police protection. Only if the possession is handed over to the Petitioner, this Court can order police protection.



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5.This Court exercising powers under Section 482 of Cr.P.C., cannot give police protection when there are disputed facts regarding possession.

The Petitioner claims that he had purchased the property. The third Respondent claims that the Petitioner had entered into the sale agreement, based on which he had put up the petty shop. Therefore, it is to be agitated only before the Civil Court by filing a suit for appropriate relief. Only after the trial in the civil suit, the Petitioner can seek further relief against the third Respondent. Without getting any relief from the civil Court, the Police cannot act to remove the petty shop alleged to have been put up by the third Respondent.

Accordingly, this Criminal Original Petition is dismissed.

Internet:Yes./No
Index:Yes/No
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To

1.The Superintendent of Police,
O/o. Superintendent of Police,
Theni District.

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2.The Inspector of Police,
Gudalur Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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