



Crl.O.P.(MD)No.13271 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13271 of 2024

S.Sundaravadivel

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Periyakulam,
Theni District.

3.The Inspector of Police,
Periyakulam,
Theni District.

4.Ilaiyaraja

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents 1 to 3 to give adequate police protection to life and limb of the petitioner based on the representation of the petitioner.

For Petitioner : Mr.N.Mohideen Basha

For R1 to R3 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



Crl.O.P.(MD)No.13271 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the respondents 1 to 3 to give adequate police protection to life and limb of the petitioner based on his representation.

2. The learned counsel appearing for the petitioner would submit that the petitioner has already filed a suit in O.S.No.168 of 2010 claiming permanent injunction and the suit came to be decreed vide judgment dated 23.12.2010 in respect of the property in dispute. He would further submit that when the petitioner has been attempting to reconstruct the damaged portion of the compound wall, the fourth respondent along with his men had interfered with their work and hence, the petitioner was constrained to lodge a complaint seeking police protection.

3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3 would submit that after receipt of the complaint from the petitioner, enquiry was conducted and at that time, the fourth respondent has sent a letter dated 01.03.2024 stating that civil



Crl.O.P.(MD)No.13271 of 2024

suit is pending in O.S.No.134 of 2022 on the file of the District Munsif Court, Periyakulam and hence, the complaint was ordered to be closed.

4. As rightly contended by the learned counsel appearing for the petitioner, though the petitioner has produced the decree passed by the competent civil Court, the third respondent, by showing that civil suit is pending, has rejected his representation.

5. Considering the above, the impugned order closing the enquiry is hereby quashed and the third respondent is directed to conduct fresh enquiry on the petitioner's complaint and pass orders taking note of the decree passed by the competent civil Court within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Original Petition stands disposed of.

13.08.2024

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



WEB COPY



Crl.O.P.(MD)No.13271 of 2024

K.MURALI SHANKAR,J.

csn

To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Deputy Superintendent of Police,
Periyakulam,
Theni District.
- 3.The Inspector of Police,
Periyakulam,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.13271 of 2024

Dated: 13.08.2024