



WEB COPY



Crl.O.P.(MD)No.19200 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19200 of 2024

A.Gnana Muthu @ Gnanaraj

.. Petitioner

Vs.

1. The Superintendent of Police
Tenkasi District,
Tenkasi

2. The Inspector of Police
Alangulam Police Station,
Tenkasi District

3.T.Arulmani

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS
to direct the second respondent to provide adequate police protection for
life and limb of the petitioner on the basis of the petitioner's representation
dated .12.10.2024

For Petitioner : M/s.T.Rima

For Respondents : Mr.K.Sanjai Gandhi
No.1& 2 Government Advocate(Crl.Side)



WEB COPY



Crl.O.P.(MD)No.19200 of 2024

ORDER

This Criminal Original Petition has been filed to direct the second respondent to provide adequate police protection for life and limb of the petitioner on the basis of the petitioner's representation dated .12.10.2024

2. The petitioner and the third respondent are neighbors. There is a dispute with regard to the boundary of the property. Earlier the petitioner surveyed the land with the help of revenue authorities and thereafter ear marked and started constructing compound wall. The third respondent objected to the same and threatened the petitioner. Further was dumping garbage in the petitioner's property. Hence the petitioner got obstructed in construction and lodged complaint to the respondent on 28.06.2024. Thereafter the respondent police under the guise of enquiry had been delaying the process and the petitioner is obstructed from constructing the compound wall by the third respondent. Hence sought police protection.

3. The learned Government Advocate(Crl.Side) on the other hand submitted that there is a land dispute between the petitioner and the third



Crl.O.P.(MD)No.19200 of 2024

respondent. Earlier the petitioner has also sent a copy of the complaint to the Superintendent of Police which was received by the respondent and current paper number assigned and thereafter both the parties were called for enquiry, they appeared and at that time, the third respondent informed that he had already filed a civil suit in O.S. No.122 of 2024 and it is pending before the District Munsif Court, Alangulam. The petitioner also admitted that he had appeared on 05.10.2024 and he sought time and the case stands posted to 05.12.2024. Both the parties were advised to approach the civil forum thereafter the petitioner has not appeared before the respondent police and not co-operated for enquiry, hence the complaint was closed on 20.10.2024.

4. Considering the facts and circumstances of the case and also considering the fact that already civil suit in O.S. No.122 of 2024 is pending before the District Munsif Court, Alangulam, it is for the petitioner to approach the civil Court and seek his remedy and not by filing the above petition.



WEB COPY



Crl.O.P.(MD)No.19200 of 2024

5. Hence the petition stands dismissed.

07.11.2024

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

To

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



WEB COPY



Crl.O.P.(MD)No.19200 of 2024

M.NIRMAL KUMAR,J.

aav

Crl.O.P.(MD)No.19200 of 2024

07.11.2024