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Crl.O.P.(MD)No.21622 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21622 of 2024

Deivam @ Deivendran

.. Petitioner

Vs.

1. The Superintendent of Police
Madurai District,
Madurai.
2. The Inspector of Police,
Usilampatti Police Station,
Madurai District.
3. The Sub-Inspector of Police,
Uthappanayakanur Police Station,
Madurai District.
4. Eswaran
5. Pandiammal
6. Rajendran
7. Ariyammal

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents No.1 to 3 herein to give necessary police protection to the petitioner herein for his life and limb and also give police protection for using the pathway for cultivation purpose based on the



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petitioner's representation dated 20.11.2024 and the Civil Court Judgment and decree in O.S.No.159 of 2013 on the file of the District Munsif cum Judicial Magistrate Court, Usilampatti.

For Petitioner : Mr.K.Bairavan

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents No.1 to 3 herein to give necessary police protection to the petitioner herein for his life and limb and also to give police protection for using the pathway for cultivation purpose based on the petitioner's representation dated 20.11.2024.

2. The learned Counsel for the petitioner would submit that the respondents No.4 to 7 are disturbing the peaceful possession and enjoyment of the petitioner's property, hence complaint was lodged for which CSR No.433 of 2024 assigned and no action has been taken.

3. The learned Additional Public Prosecutor would submit that the sixth respondent and others had lodged a complaint to the CM cell on 23.07.2024, which was forwarded to the respondent police on 31.08.2024



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for which CSR No.238 of 2024 assigned. During the enquiry, the respondent police found that the dispute is civil in nature and advised the petitioner to approach the civil Court. Further he submitted that the petitioner has now refers to the judgment and decree in O.S.No.159 of 2013, but the same was not produced.

4. The learned Counsel for the petitioner would submit that during the enquiry on 31.08.2024, the petitioner had produced the documents. Thereafter, the private respondents are continuously attempting to encroach the petitioner's property. Hence, the respondent police terming the petitioner's complaint as civil dispute is not proper.

5. Considering the facts and circumstances of the case, it is seen that the petitioner's complaint in CSR No.433 of 2024 and the counter petitioner's complaint in CSR No.238 of 2024 assigned are kept pending and both the parties are called for an enquiry. The civil Court judgment and decree in O.S.No.159 of 2013 is in favour of the petitioner and the same ought to be considered and if so, the respondent police shall warn the respondents No.4 to 7 not to interfere with the possession and enjoyment



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of the petitioner's property unless and until there is a civil proceedings.

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6. Accordingly, the Criminal Original Petition is disposed of.

09.12.2024

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

To

1. The Superintendent of Police
Madurai District,
Madurai.
2. The Inspector of Police,
Usilampatti Police Station,
Madurai District.
3. The Sub-Inspector of Police,
Uthappanayakanur Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

jbr

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