



*Crl.O.P.(MD)No.21619 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.21619 of 2024

John Wesley

... Petitioner

Vs.

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

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

3. The Sub Inspector of Police,  
Anjugramam,  
Kanniyakumari District.

4. Markret

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, directing the first respondent to direct the second and third respondents to provide police protection to the life and limb of the petitioner against the life threat perceived from the fourth respondent on the basis of the petitioner's complaint dated 05.11.2024.



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For Petitioner : Mr.C.Ceetha  
For R-1 to R-3 : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed to direct the first respondent to direct the second and third respondents to provide police protection to the life and limb of the petitioner on the basis of the petitioner's complaint dated 05.11.2024.

2. The contention of the petitioner is that after the demise of the petitioner's grandfather, the petitioner inherited his family property. On 15.06.2024 at about 820 a.m., while the petitioner was engaged in cleaning the property in Survey No.205/4, which belongs to his late grandfather, the fourth respondent objected the petitioner by stating that she is the owner of the property. After the demise of his grandfather, the petitioner's mother were in possession and enjoyment of the said property for more than 50 years. Based on the complaint of the petitioner, a case in Crime No.375 of 2024 has been registered as against the fourth respondent and the same was closed as civil in nature and directed the petitioner to approach the



civil Court. He further submitted that the fourth respondent is a total stranger to the said property and she has no right over the property. The petitioner's wife is also suffering from health ailment and due to the trouble and disturbance created by the fourth respondent, her health condition would be deteriorated. Hence, the present writ petition came to be filed.

3. The learned Additional Public Prosecutor appearing for the respondent police would submit that based on the complainant of the petitioner, a case in Crime No.375 of 2024 assigned and both the petitioner and the fourth respondent were called for an enquiry. During the enquiry it was found that it is a civil dispute and the fourth respondent was warned not to cause any disturbance to the petitioner and also not to encroach the said property, likewise the petitioner was also warned and recording the same, the case has been closed.

4. Since the petitioner's complaint has been enquired and the same has been closed as civil in nature, this Court finds no reason to entertain this petition. It is made clear that the fourth respondent has no right to encroach the petitioner's property without any valid documents. In the



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event if any forcible encroachment is made by the fourth respondent, the respondent police shall take appropriate action in accordance with law.

5. With the above said direction, this Criminal Original Petition is disposed of.

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

**09.12.2024**

jbr

To

1. The Superintendent of Police,  
Kanniyakumari District,  
Kanniyakumari.
2. The Inspector of Police,  
Suseenthiram Police Station,  
Kanniyakumari District.
3. The Sub Inspector of Police,  
Anjugramam,  
Kanniyakumari 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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