

Crl.O.P(MD).No.2034 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Dated: 04.02.2025

CORAM:

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD).No.2034 of 2025

Chinnappa

.. Petitioner

Vs.

1.The State of Tamil nadu,
rep., by the Deputy Superintendent of Police,
Ilupoor, Pudukottai DIstrict.

2.The Inspector of Police,
Viralimalai Police Station,
Pudukottai DIstrict.

3.Arivazhagan

4.Maniarasan

.. Respondents

Prayer : Petition is filed under Section 528 of BNSS to direct the second respondent to give adequate police protection for the life and limb of the petitioner and his family members by considering the petitioner's representation dated 27.12.2024.

For Petitioner : Mr.R.Suriya Narayanan

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This petition has been filed by the petitioner to direct the second respondent to give adequate police protection for the life and limb of the petitioner and his family members by considering the petitioner's representation dated 27.12.2024.

2. According to the petitioner, he is the co-owner of the property in S.No.401/1/3 to an extent of 37.05 Nanja land in Theravoor, Mettupatti, Viralimalai Taluk, Pudukottai District and he has right over the property. The third and fourth respondents are utterly stranger to the property and they attempted to interfere with the possession and enjoyment of the petitioner and his family members and hence, the petitioner's father had filed a suit in O.S.No.247 of 1995 before the District Munsif cum Judicial Magistrate Court, Keeranoor, Pudukottai District and the said suit was decreed in favour of the petitioner on 21.08.2006. Even after that, the third and fourth respondents are causing disturbance to the petitioner. Hence, the petitioner lodged a complaint before the second respondent and case was registered in Crime No.195 of 2022 for the offence under Sections 294(b), 336 and 506(1) of IPC. In the meantime, the petitioner

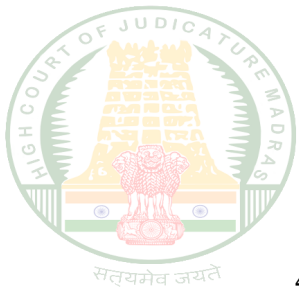


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had also filed an execution petition in E.P.No.7 of 2024 in O.S.No.247 of 1995, against which, the third and fourth respondents filed C.R.P. (MD).No.2792 of 2024 and got interim order of stay for the said proceedings. Taking advantage of the said interim order, the third and fourth respondents made wrongful acts against the petitioner and his family members. In this regard, on 27.12.2024, the petitioner has given a complaint to the second respondent, based on which, summon was issued to the respondents 3 and 4 and thereafter, no steps have been taken. Therefore, the present petition.

3. The learned Additional Public Prosecutor appearing for the first and second respondents submitted that there is a civil suit between the parties and this Court has already stayed the order of the Subordinate Court in C.R.P(MD).No.2792 of 2024. Based on the complaint given by the petitioner, the respondent police made enquiry and on enquiry, the said complaint was closed on 03.01.2025. Therefore, nothing survives for further adjudication in this petition. Hence, seeks dismissal of this petition.



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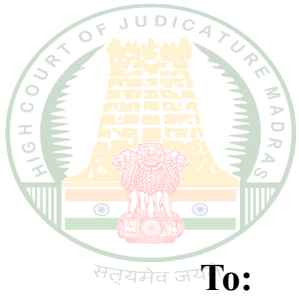
4. Considering the submission of the learned Additional Public Prosecutor and also considering the limited prayer sought for in this petition, without issuing notice to the third and fourth respondents, this court is inclined to pass order.

5. It is admitted fact that civil suit is pending between the parties in respect of the property and also, the petitioner sent a representation before the second respondent police and the same was considered and also disposed of since civil suit pending between the parties, at this stage, it is not appropriate to grant any relief giving police protection to the petitioner in respect of the property.

6. In view of the above discussion, this Court is of the view that this petition is liable to be dismissed at the admission stage itself. Accordingly, this Criminal Original Petition is dismissed.

04.02.2025

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



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- 1.The Deputy Superintendent of Police,
Ilupoor, Pudukottai DIstrict.
- 2.The Inspector of Police,
Viralimalai Police Station,
Pudukottai DIstrict.
- 3.The Additional Public Prosecutort,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

Rmk

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