



Crl.O.P.(MD)No.3411 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :24.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

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S. Laxmanan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police,
Sivagangai,
Sivagangai District.

2. The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.

3. The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.

4. C.Kannan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the respondents herein to grant adequate protection to the petitioners life, limb and liberty and his peaceful possession and enjoyment to the property situated in S.No. 1191/2 at Karaikudi town, Karaikudi taluk, Sivagangai District.



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For Petitioner : Mr.R.Rajeshkumar

For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct the respondent police to grant adequate police protection to the petitioner for peaceful possession and enjoyment of the property situated in S.No.1191/2, Karaikudi Town, Karaikudi Taluk, Sivagangai District.

2. According to the petitioner, he is the owner of the property in S.F.No.1191/ 2, Karakudi town and the private respondent has already filed a suit in O.S.No.313 of 2022 without impleading the petitioner as a party. Now taking advantage of the above said suit, the 4th respondent interfering with the peaceful possession and enjoyment of the property. Therefore, the petitioner has already lodged a complaint before the 3rd respondent and 3rd respondent police have also registered a case in Crime No.506 of 2024 for the offences under Section 329(3), 126(2), 296(b), 115(2), 351 (2) and 303(2) of BNS and the same is pending. While so, the 4th respondent has interfered with the possession and enjoyment of the property and the petitioner is enjoying the property for more than 100 years and he has the title over the property. Hence, he has filed this petition.



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3. The learned Government Advocate (Criminal Side) appearing for the respondents no.1 to 3 would submit that the petitioner is no way connected with the said property and the property stands in the name of one Swamynathan. To that effect, the Tahsildar has also gave a certificate. There are some civil dispute pending between the parties, therefore both the parties can approach the Civil Court for establishing their rights. Based on the complaint given by this petitioner, already F.I.R has been registered as against the 4th respondent and the same is pending in the Crime No.506 of 2024. While so, again the petitioner sought for police protection for the said property. Since there is a dispute pending between the parties in respect of the title of the property, without any order of the Court, the respondent police cannot give police protection. Therefore, this petition is liable to be dismissed.

4. Considering the limited scope of the prayer sought for in this petition, this Court even without issuing notice to the 4th respondent inclined to dispose the petition.

5. According to the petitioner, he is the owner of the property in S.F.No1191/2 and the 4th respondent is no way connected with the disputed property and he is the owner of the property situated in S.No.1191/1 and he



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already filed suit in O.S.No.313 of 2022 as against some other persons without impleading the petitioner. Thereafter, the petitioner has lodged a complaint and the 3rd respondent police have also registered a case in Crime No.506 of 2024 and the same is also pending. Since there is a dispute between the parties in respect of title of the property, this Court cannot decide the title of the property and the respondent police also cannot grant police protection for the disputed property. If at all the petitioner has a better title, he can approach the Civil Court as against the persons who are restraining the petitioner from enjoying the property. Therefore, the petitioner has to approach the appropriate forum for appropriate relief and for the disputed property police protection cannot be granted. At the same time, this petitioner is at liberty to approach the police, if any persons involving any criminal activities.

6. With the above said observations, this Criminal Original Petition is dismissed.

24.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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- To
1. The Superintendent of Police,
Sivagangai,
Sivagangai District.
 2. The Deputy Superintendent of Police, Karaikudi,
Sivagangai District.
 3. The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.,

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