



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE P. DHANABAL**

Crl.O.P(MD)No.3046 of 2025

Shanmugam

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Superintendent of Police,
Tenkasi,
Tenkasi District.

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

3. Kanthaiah

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the first and second respondents herein to provide Police protection, to the petitioner's life and limb on the basis of the petitioner's representation dated 05.02.2025.

For Petitioner : Mr.R.Ilayaraja,

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking a direction to the first and second respondents herein to provide Police protection, to the petitioner's life and limb on the basis of the petitioner's representation dated 05.02.2025.

2. According to the petitioner, he is the land lord and the third respondent is the tenant. There is a dispute between the parties in respect of tenancy and already he got favorable orders from the revenue authorities. However, the third respondent trespassed into the petitioner's farmland and destroyed the crops and prevented the petitioner from carrying out his agricultural work. Therefore, he sent a representation, dated 05.02.2025 to the first and second respondents seeking police protection, but the same has not been considered. Hence this petition has been filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that already the petitioner has lodged a complaint dated 18.10.2024 and the same was closed by advising the parties



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to seek remedy before the civil Court as the matter is civil in nature. Now, again the petitioner sent the representation dated 05.02.2025 seeking police protection. Since there is a civil dispute pending between the parties, police protection cannot be given. However, the petitioner's representation dated 05.02.2025 is under consideration and the respondent police will conduct enquiry and dispose of the same within a week.

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

5.It is well settled law that police protection cannot be granted unless the petitioner has executable decree in his favour. It is an admitted fact that there is a tenancy dispute pending between the parties. While so, the petitioner had already lodged a complaint and the same was also closed as civil in nature. Now, again the petitioner sent the representation, dated 05.02.2025 and the same is under consideration. Therefore, the second respondent is directed to consider the petitioner's representation, dated 05.02.2025 and dispose of the same, within a period of one week from the date of this order in accordance with law on merits. At the same time, the



petitioner is at liberty to approach the second respondent if any criminal activities done by the third respondent.

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

19.02.2025

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

To

1. The State of Tamilnadu,
Rep by the Superintendent of Police,
Tenkasi,
Tenkasi District.

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

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

LR

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