



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

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

Crl.O.P(MD)No.3073 of 2025

K.Rajeev Ghandhi

... Petitioner

Vs

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

2. The Sub Inspector of Police,
Thangachimadam Police Station,
Thangachimadam,
Ramanathapuram District.

3. T .Parthiban

4. Vanathi

5. Mahendiran

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to direct the 1st and 2nd respondents to provide the adequate police protection to life and limb of the petitioner till complete the construction of the leased premises for the purpose of constructing the petrol bulk.



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For Petitioner : Mr.Alaudeen .S.A.S,

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

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to provide adequate police protection till the completion of the construction of the leased premises in the petrol bunk.

2.According to the petitioner, he is the lessee under the third respondent/land lord. He is running a petrol bunk in S.F.No.143/1B, 142/4D2, 142/4D1 and 143/8A1 and now he constructed a compound wall in the building and the same was objected by the third respondent. Regarding this dispute, O.S.Nos.15 and 20 of 2024 are pending before the Sub Court, Ramanathapuram. Already the petitioner has lodged a complaint. Similarly, the third respondent also lodged a counter complaint. Based on both these complaints, case and counter case are pending. While



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so, the petitioner filed a representation to grant police protection for the construction but the same has not been considered by the respondent police.

Therefore, this petition has been filed.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there is a tenancy dispute pending between the petitioner and the third respondent. The third respondent is the owner of the property and the petitioner is the lessee and have a license to run a petrol bunk. Now without the knowledge of the third respondent, the petitioner has attempted to construct a compound wall and thereby, a dispute arose between them. Already the third respondent has lodged a complaint against the petitioner and the FIR has been registered against him. Similarly, based on the petitioner's complaint, another FIR has been registered against the third respondent. At this stage, the petitioner has sent a representation seeking police protection to construct compound wall. Since there is a civil dispute between the parties, police protection cannot be given without any decree. Therefore, the present petition is liable to be dismissed.

4.Considering the limited scope of prayer sought for in this petition,



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this Court, even without issuing notice to the private respondents, is inclined to dispose of this petition.

5.It is an admitted fact that there is a civil dispute between the parties and the private respondents have filed civil suits against the petitioner in O.S.Nos.15 and 20 of 2024 and the same are pending. Considering the above, this Court is of the opinion that unless the parties have executable decree from the competent civil Court, police protection cannot be given. However, if any criminal activities done by the either parties, then the parties can approach the concerned Police, in accordance with law.

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

19.02.2025

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

To



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Ramanathapuram.
2. The Sub Inspector of Police,
Thangachimadam Police Station,
Thangachimadam,
Ramanathapuram 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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