



Crl.O.P.(MD) No.4654 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL OP(MD).No.4654 of 2025

Kaliyaperumal

... Petitioner

Vs.

1. The State of Tamilnadu,
Represented by the Superintendent of Police,
Thanjavur District.
Thanjavur.

2. The Sub Inspector of Police,
Pappa Nadu Police Station,
Thanjavur District.

3. The Revenue Divisional Officer
Thanjavur Revenue Divisional Officer,
Thanjavur District.

4. M.Ramasamy

5. Chitra

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), to direct the 1st and 2nd respondents to provide adequate police protection to the petitioner life and limb and for enjoyment of his property.



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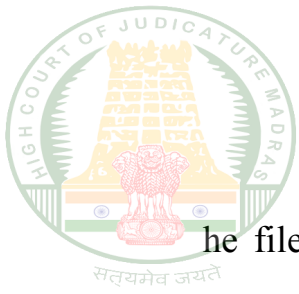
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For Petitioner : Mr.J.Madhu
For R-1 & R-3 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to direct the 1st and 2nd respondents to provide adequate police protection to the petitioner life and limb and for enjoyment of his property.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in S.F.No.116 / 8 measuring 0.4 acre in Orathanadu Taluk, Thanjavur District. Already the petitioner has filed a suit in O.S.No.170 of 1991 on the file of the District Munsif Court, Pattukottai for the relief of permanent injunction as against the father of the 4th and 5th respondents and the same was decreed in his favour. Thereafter, no appeal was filed as against the decree and judgment and therefore, the said decree is in final and binding upon the parties. While so, when the petitioner was attempted to construct a house in the said land, the private respondents caused obstruction and thereby, he lodged a complaint, but the same has not been considered. Thereafter,



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he filed a petition before this Court in Crl.O.P(MD).No.21780 of 2023 and a case in Crime No.543 of 2023 was registered and the proceedings under Section 145 of Cr.P.C was also initiated. The 3rd respondent has conducted the proceedings under Section 145 of Cr.P.C and passed an order on 24.07.2024 by stating that there is no law and order issue regarding the dispute between the parties, therefore directed to approach the civil court to solve the dispute. Thereafter, the petitioner sent a representation dated 03.10.2024 for police protection, but the same has not been considered. Hence this petition.

3. The learned Government Advocate (Criminal Side) appearing for the respondents no.1 to 3 would submit that already the representation of the petitioner was considered and disposed of on 04.12.2024. Therefore, nothing survives for further adjudication.

4. Considering the limited prayer sought for in this petition, this Court even without issuing notice to the respondents no.4 and 5 inclined to dispose of the petition.

5. According to the petitioner, he has a civil decree in his favour



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and the property belongs to him in S.F.No.116 / 8 and he already got civil decree as against the father of the private respondents. But still, the respondents are causing disturbance to the enjoyment of the property. While the petitioner was attempted to construct a house, they caused disturbance and thereby, he gave a request for police protection and the same has not been considered. According to the respondents no. 1 to 3, already the petitioner's complaint was enquired and closed. Considering the prayer of the petitioner and the petitioner has a decree in his favour, it is for the respondent no.1 to 3 to provide police protection for a particular specific purpose. While so, it is for the petitioner to approach the 2nd respondent for a specific purpose and if any such request made by the petitioner, the 2nd respondent can consider the same in accordance with law on merits, after affording an opportunity to both the parties. In view of the same, this criminal original petition is closed.

13.03.2025

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

1 The Superintendent of Police,
Thanjavur District.
Thanjavur.

2. The Sub Inspector of Police,
Pappa Nadu Police Station,
Thanjavur District.

3. The Revenue Divisional Officer
Thanjavur Revenue Divisional Officer,
Thanjavur District.

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



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P.DHANABAL. J,

Mac

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