



Crl.O.P.(MD)No.22255 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22255 of 2024

Mohamed Musamil Hussain

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep., by The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Keelakarai Taluk, Ramanathapuram District.
- 3.The Inspector of Police,
Keelakkarai Police Station,
Ramanathapuram District.
- 4.Palanichamy
- 5.Thangasamy
- 6.Chellasamy
- 7.Karuppasamy
- 8.Ramaiah

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the second and third respondents to give an adequate police



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protection to the petitioner's life and limb on the basis of the petitioner's representation dated 07.11.2024.

For Petitioner : Mr.K.Yasar Arafath
For R1 to R3 : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

ORDER

The petitioner had sent a complaint to the respondent police on 07.11.2024. Thereafter, no action has been taken. The contention of the petitioner is that the petitioner had filed a civil suit in O.S.No.19 of 2022 before the learned District Munsif, Ramanathapuram. The said suit was decreed in favour of the petitioner on 26.09.2023. The petitioner is absolute owner of the property. This being so, the private respondents 4 to 8 are justifying their right on the property stating that there was an oral agreement and they have to be in possession. The trial Court after full-fledged trial found the private respondents' contention not sustainable and hence, decreed the suit in favour of the petitioner. The petitioner now wants to fence the property, which was obstructed by the private respondents. Since the respondent police has not taken any action, the above petition.



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2. The learned counsel appearing for the petitioner relied upon the judgment of this Court in the case of “***Radhika Sri Hari and another .vs. The Commissioner of Police*** reported in ***2014-2-LW- 927***”, in support of his contention.

3. The learned Additional Public Prosecutor submitted that in this case, the petitioner's right over the property has been declared in civil suit proceeding in O.S.No.19 of 2022 by judgment dated 26.09.2023. As on date, there is no prohibition order against the petitioner. On the complaint of the petitioner, CSR number has been assigned and after conducting enquiry, the same was closed on 03.12.2024.

4. Considering the submissions and perusal of materials, it is seen that the petitioner's right over the property has been declared by the civil Court and there was no prohibitory order against him. Hence, the petitioner's complaint was reopened and the respondent police after verifying the document, will provide adequate police protection to the petitioner for fencing the property and ensure that the petitioner's



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enjoyment of the property is not disturbed by the private respondents in any manner.

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

NCC : Yes / No
Index : Yes / No
Rmk

23.01.2025

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Keelakarai Taluk, Ramanathapuram District.
- 3.The Inspector of Police,
Keelakkarai Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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