



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM

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THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

Crl.O.P(MD)No.12171 of 2017

R.Perumal ... Petitioner

Vs.

1.The State Reb by
The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.

3.Ramasamy

4.Balasubramani ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to provide sufficient protection to the life and limb of the petitioner and his family members on the basis of the petitioner's complaint made before the respondents 1 and 2 by RPAD dated 28.08.2017.

For Petitioner : Mr.K.Kanimozhy

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)
(for R1 and R2)

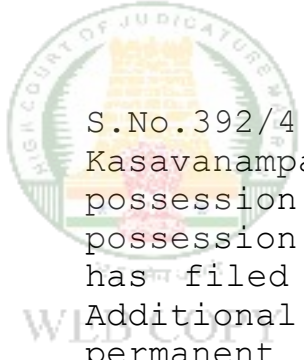
: Mr.Sivakumar
Mr.Prabath (for R3 & R4)

O R D E R

This petition has been filed to direct the first and second respondents to provide sufficient protection to the life and limb of the petitioner and his family members, based on the complaint given by the petitioner, dated 28.08.2017.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the owner of the land in



S.No.392/4 and 392/5, New S.No.392/12E, 12A & 12G of Kasavanampatti Village in Dindigul District and he is in possession of the said property. Since there was a threat to his possession by the father of the third respondent, the petitioner has filed a suit in O.S.No.650 of 1995, on the file of the Additional District Munsif, Dindigul and got a decree for permanent injunction on 17.02.1997. She further submitted that thereafter, either the third respondent or his father did not interfere with the possession of the petitioner, but recently the third respondent and his son/fourth respondent are giving disturbance to the peaceful possession of the petitioner and hence, he gave a complaint before the second respondent. She further submitted that one Perumal, who is the brother of the third respondent, is working as Special Sub-Inspector of Police, in the same District and he is encouraging the respondents 3 and 4 to disturb the peaceful possession of the petitioner.

3.The learned counsel for the third and fourth respondents has submitted that the decree, which was passed in the Civil Court, is only an ex-parte decree. He further submitted that since the father of the third respondent died, the said decree will not bind upon the third and fourth respondents.

4.An ex-parte decree is also a valid decree, until it is set aside by the competent Court. Further, in the decree itself, it is stated that the defendant and his legal heirs were also restrained. Therefore, the third and fourth respondents being the legal heirs of the said defendant in that suit (Palanisamy Gounter), the said decree will bind upon them also and they cannot take a stand that the said decree will not bind them. However, it is open to the petitioner to file a execution petition under Order 21 Rule 32 of C.P.C., to execute the decree.

5.With the above observation, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Kannivadi Police Station,

<https://hcservice.ecourts.gov.in/hcservice/> District.



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

+1cc to Mr.K.K.KANIMOZHY,Advocate,SR.41847

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Cr1.O.P(MD)No.12171 of 2017
10.01.2018

RMK/VSG

KK/SV MMS/SAR 1/24.01.2018/ 3P- 5C/