



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.6287 of 2018

C.Balamurugan

... Petitioner

Vs

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police,
Law and Order,
Madurai City,
Madurai.

3.The Inspector of Police,
C3, S.S.Colony Police Station,
Madurai.

4.Sirumani

5.Anthony @ Kinny

6.Sathish

(Respondents 4 to 6 impleaded vide order of this Court
dated 11.09.2018 made in Crl.M.P. (MD) No.3323 of 2018)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the respondents to provide adequate police protection to the petitioner to construct the compound wall at the southern side of the house located at No.9, Bharathiyar 4th Street, S.S.Colony, Madurai-625 016 on the basis of his representation dated 08.01.2018, 26.02.2018, 25.03.2018 and 31.03.2018.

For Petitioner : Mr.B.Saravanan

For R1 to R3 : Mr.K.Suyambulinga Bharathi

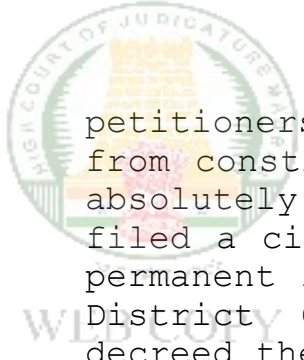
Government Advocate (Crl.side)

O R D E R

This petition has been filed for a direction to the respondent police to provide police protection.

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

2.The learned counsel for the petitioner would submit that the



petitioners are the owners of the property and they were prevented from constructing a compound wall by the group of persons who had absolutely no right over the property. Therefore, the petitioner filed a civil suit in O.S.No.96 of 2015 seeking for the relief of permanent injunction against those persons. The learned Principal District Court, Madurai, by judgment and decree dated 14.11.2017, decreed the suit as prayed for in favour of the petitioner.

3.The learned counsel for the petitioner would further submit that even subsequent to the decree passed by the competent Civil Court, R4 to R6 interfering with the petitioner's attempt to put up the compound wall in this property. Therefore, a representation was given to the respondent police on more than four occasions seeking for police protection. However, no action has been taken by the respondent police and therefore, this petition has been filed before this Court.

4.It is seen from the records that the petitioner has already obtained a permanent injunction before the competent civil forum against the respondents 4 to 6. After suffering a decree, the respondents 4 to 6 do not have any right to prevent the petitioner from enjoying his property.

5.The third respondent is directed to immediately consider the complaint given by the petitioner and call the parties and give appropriate instructions. If the respondents 4 to 6 continue to interfere with the possession and enjoyment of the property of the petitioner, an appropriate action may be taken against them. If necessary, the third respondent may also provide necessary police protection to the petitioner.

6.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Deputy Commissioner of Police,
Isaiah and Co. Secy,
Madurai City,
Madurai.



3. The Inspector of Police,
C3, S.S.Colony Police Station,
Madurai.

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

+ 1 CC TO MR.B.SARAVANAN, ADVOCATE IN SR NO.85713

RMI

BU/SKN/SAR-II : 04.10.2018 : 3P/6C

CRL.O.P. (MD) No.6287 of 2018
19.09.2018