

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.02.2019

CORAM
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.30088 of 2018

R.Arumugaham

... Petitioner

Vs.

1.The Sub-Inspector of Police,
Sulthanpet Police Station,
Coimbatore.

2.Kamalam

3.Mohanasundari

4.Jothimani

5.Vijayalakshmi

6.Padmavathi

.... Respondents

(Respondents 2 to 6 are impleaded as per
order in Crl.M.P.869/2019 in Crl.O.P.No.
30088/2018 dated 02.01.2019).

PRAYER: Criminal Original Petition is filed under Section 482
of the Code of Criminal Procedure, to direct the 1st respondent
to give police protection to the petitioner, his men and agents
to enter and enjoy the suit premise.

For Petitioner : Mr.Mathuvanthi Mathavan

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This criminal original petition has been filed seeking for
police protection to the petitioners and his family members to
enter and enjoy the suit premise.

2. It is seen from records that the petitioner has already
filed a suit in O.S.No.63 of 1998 before the learned District
Munsif cum Judicial Magistrate, Palldam, Coimbatore District,
wherein the Court below passed a decree in favour of the
petitioner restraining the respondents from interfering in the
peaceful possession and enjoyment of the suit property and no
appeal has been preferred by the respondents as against the said
order and decree.

3. The learned counsel for the petitioner would submit that
in spite of the interim order passed, the respondents 2 to 6 are
continuously interfering the possession and enjoyment of the

petitioner and they are causing threat to the petitioner and therefore, the petitioner gave a representation dated 06.12.2018 to the respondent police, seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. The learned Additional Public Prosecutor admitted the fact that the suit has been decreed in favour of the petitioner.

5. In view of the above said facts and circumstances, the respondents 2 to 6 should not be permitted to take law into their own hands. Now, that the decree of the Civil Court has become final and the property has already been delivered to the petitioner, the respondents 2 to 6 have no right to prevent the petitioner from entering and enjoying the property. The respondents 2 to 6, instead of working out their remedy before the appropriate Court, seems to be using force to prevent the petitioner from enjoying the property.

6. This Criminal Original Petition is disposed of with a direction to the first respondent to give police protection to the petitioner to enter into his property and enjoy peaceful possession. If any obstruction is made by the respondents 2 to 6, appropriate action may be taken against them in accordance with law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Inspector of Police,
Sulthanpet Police Station,
Coimbatore.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. Mathuvanthi Mathavan, Advocate, S.R.No.12688

CrI.O.P.No.30088 of 2018

LN(CO)

rrs 01/03/2019