



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.5516 of 2016

N.Bose

... Petitioner

-vs-

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Town Police Station,
Thirumangalam,
Madurai.

3.Krishnammal

4.Ganesan

5.Indra

6.Paramu

... Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the respondents to give adequate police protection to the petitioner and his family members to access their property situated at Old Ward No.18, New ward No.26, Thirumangalam, madurai District, based on his complaint dated 20.03.2016.

For Petitioner: Mr.N.Sathish Babu

For R1 and R2 : Mr.A.Robinson
Government Advocate (Crl.side)

O R D E R

The petitioner wants this Court to direct the police authorities to give him adequate police protection to access the petition mentioned property.

2.The learned counsel for the petitioner drew my attention to the decree and judgment dated 07.06.2005 made in O.S.No.140 of 1999 on the file of the District Munsif Court, Thirumangalam. The

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



said decree stands in favour of the petitioner herein. The third respondent herein Krishnammal is shown as a defendant. This is an ex-parte decree and judgement.

3.It is true that the Hon'ble Supreme Court has held that police protection can be sought to enforce the civil Court decree. But then, the petitioner is very much having an alternative remedy of filing an execution petition before the Court below. If his grievance is that the injunction is being violated and breached, he can also take out an application for punishing the respondents for disobedience of the decree. When an effective alternative remedy is available, the question of invoking the inherent powers of this Court does not arise.

4.Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is having liberty to move the Court concerned for relief.

Sd/-

Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Town Police Station,
Thirumangalam, Madurai.

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

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VB(04.06.2020) 2P 4C