



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2019**

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD)No. 18438 of 2019

WEB COPY

Murugan

... Petitioner

Vs

1. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

2. Rajendran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent herein to provide adequate police protection to the life and limb of petitioner and his family and property as per the decree and judgment passed by the learned District Munsif, Nilakottai in O.S. No. 184 of 2007 dated 26.06.2018.

For Petitioner : Mr.R. Suresh Kumar
For R-1 : Mrs.S. Bharathi,
Government Advocate (crl. Side)

ORDER

The Criminal Original Petition has been filed to direct the first respondent herein to provide adequate police protection to the life and limb of petitioner and his family and property as per the decree and judgment passed by the learned District Munsif, Nilakottai in O.S. No. 184 of 2007 dated 26.06.2018.

2. The learned counsel appearing for the petitioner would submit that the petitioner has filed a suit in O.S. No. 184 of 2007 against the second respondent before the learned District Munsif, Nilakottai seeking for declaration and permanent injunction and the above suit has been decreed in favour of the petitioner by Judgment and Decree, dated 26.06.2018 as against which the second respondent and others were preferred an appeal in A.S. No. 204 of 2018 before the learned Additional Subordinate Judge, Dindigul and the same is pending and no interim order was passed in the said appeal. He would further submit that the trial Court has found that the petitioner is in possession also. However, the second respondent along with henchman carrying deadly weapons trespassed into the property of the petitioner and they also destroyed the standing crops in the field for a worth of Rs.50,000/- and hence, the



petitioner gave a complaint against the second respondent, but no action was taken by the first respondent police.

3. The learned Government Advocate (Crl. Side) would submit that against the order passed in O.S. No. 184 of 2007 the second respondent has filed an appeal in A.S. No. 204 of 2018 before the learned Additional Subordinate Judge, Dindigul and the same is pending. However, she would further submit that no order has been passed in favour of the petitioner and the decree has not been suspended.

4. In the above circumstances, since the decree has not been suspended by the Appellate Court, the petitioner is entitled to seek police protection. In view of the facts and circumstances of the case and also the fact that the complaint of the petitioner is pending, the first respondent is directed to take steps in accordance with law and grant protection to the petitioner.

5. With the above observations, the Criminal Original Petition stands closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.SURESH KUMAR, Advocate (SR-104254[F] dated 10/12/2019)

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