



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.5557 of 2020

M.Kumar

... Petitioner

Vs

1.The Superintendent of Police,
Karur District.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

3.T.Sivakumar

4.T.Vivek

5.T.Saroja

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 and 2 to provide adequate police protection to the petitioner and his property in S.F.No.909/8 to an extent of 11 $\frac{3}{4}$ cents of land situated at North Maruthur Village, Kulithalai Taluk, Karur District, consequently, direct the respondents 1 and 2 to ensure that the respondents 3 to 5 are not violating the interim injunction granted in favour of the petitioner in I.A.No.427/2019 in O.S.No.103/2019, dated 27.04.2019 on the file of the District Munsif Court, Kulithalai, Karur District on the basis of the online complaint to the first respondent, dated 11.03.2020.

For Petitioner : Mr.S.Gokulraj

For R1 & R2 : Mr.A.Robinson

Government Advocate (Crl.side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for R1 and R2.

2.The petitioner states that he had already filed O.S.No.103 of 2019 before the District Munsif Court, Kulithalai and had also obtained an interim injunction in I.A.No.427 of 2019. His specific allegation is that this injunction order is being willfully and deliberately breached by the private respondents herein.

<https://hcservices.ecourts.gov.in/hcservices/> 3.If that be so, the remedy open to the petitioner is only



before the jurisdictional Civil Court which had granted him an order of injunction. Any breach of injunction is punishable. Therefore, the petitioner has to necessarily move only the jurisdictional Civil Court. If unlawful construction is being carried on and the same is to be prevented, then the remedy is to file a writ petition and the same will be listed before the Hon'ble Division Bench. Relief under Section 482 of Cr.P.C., cannot be granted to the petitioner herein. The petitioner seeks police protection.

4.I am afraid that the remedy of the petitioner is elsewhere. At this stage, the petitioner's counsel states that the petitioner has been given life threat by the private respondents herein and that, the complaint given by him has only been registered as CSR. If any cognizable offence is made out, the second respondent is bound to take action as per law. I make it clear that I have not gone into the merits of the matter.

5.With this direction to the second respondent, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Karur District.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

Copy to

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

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KM (08.06.2020) 2P 4C