

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17306 of 2020

Ponnusamy

...Petitioner

.Vs.

1.The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam,
Namakkal District.

2.Marappan

...Respondents

(R-2 impleaded as per order in Crl.MP.No.7633/2020
in Crl.OP.No.17306 of 2020 dt.4.12.2020).

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent herein to give adequate Men and Women Police Protection in compliance of order passed in R.E.A.No.01 of 2019 dated 22.04.2019 on the file of District Munsif Thiruchengode and the requisition letter of Tahsildar of Komarapalayam in Na.Ka.1362/2020 (A-5) dated 17.10.2020.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents :Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R 1
Mr.C.Prakasam
for R 2

O R D E R

This Criminal Original Petition has been filed for a direction to the respondent Police to give police protection in order to enable the execution of the order passed by the

District Munsif Court, Tiruchengode dated 22.04.2019.

2.Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the 1st respondent and Mr.C.Prakasam, learned counsel appearing on behalf of the 2nd respondent.

3.It is seen from records that the Execution Court has passed an order in R.E.A.No.01 of 2019 in E.P.No.16 of 2001 in O.S.No.34 of 1996, dt.22.04.2019, directing the Police to provide necessary protection to the Senior Bailiff in order to execute the Delivery Warrant issued by the Court. It is seen that this order was upheld in CMA No.5 of 2018 and it is brought to the notice of this Court that the 2nd respondent filed a CMSA No.28 of 2019, before this Court and this Court was not inclined to grant any interim orders suspending the order passed by the Execution Court.

4.The grievance of the petitioner is that inspite of the orders passed by the Execution Court, there is resistance in executing the decree and the respondent police did not provide police protection and therefore, left with no other option, the present petition has been filed.

5.Taking into consideration the facts and circumstances of the case and also of the fact that this Court was not inclined to suspend the order passed by the Execution Court, there shall be a direction to the respondent Police to provide police protection in order to execute the order passed by the Court below dated 22.04.2019. The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order.

6.This criminal original petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam,
Namakkal District.

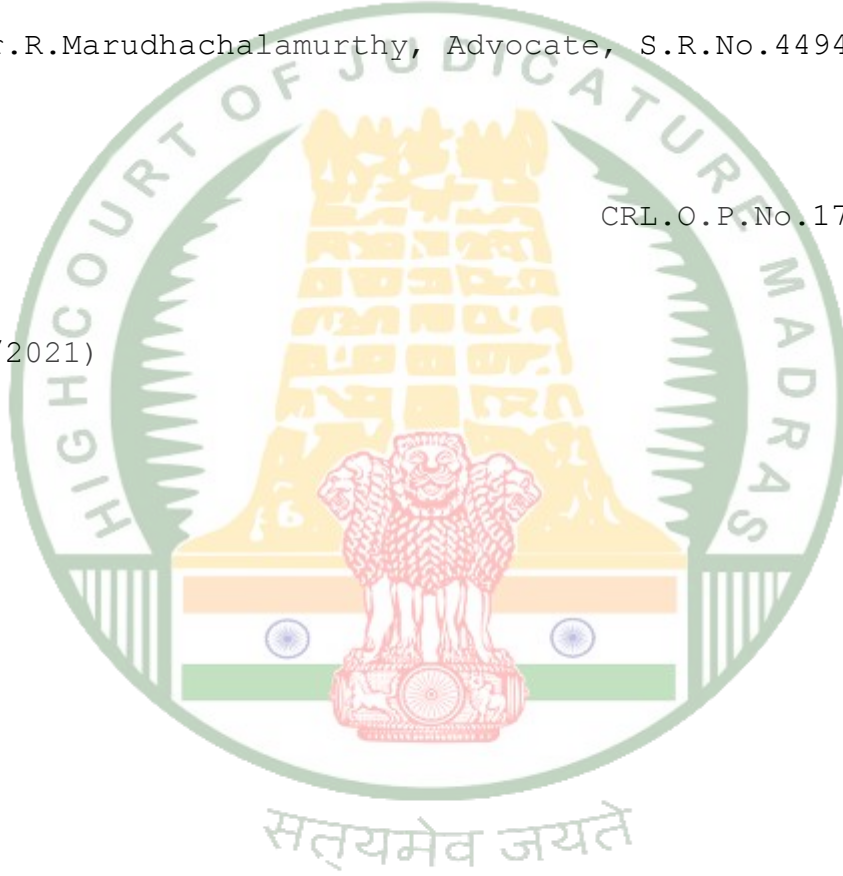
2.The District Munsif ,
Tiruchengode.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.4494.

CRL.O.P.No.17306 of 2020

NMI (CO)
NRA (24/02/2021)



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