



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.5267 of 2021

Santhakumar

... Petitioner

Vs.

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Keelakkarai,
Ramanathapuram District.
3. The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
4. Muniyandi
5. Muniyaselvam
6. Selvakumar
7. Sundramoorthy

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to provide police protection to the petitioner for removing the paddy hay stock put up by the respondents 4 to 7 at the petitioner land of bearing survey No.15/1, old patta No.707 and new patta N.1329, situated at Periya Aiyakudi Village, Siraikulam Group, Kadaladi Taluk, Ramanathapuram District.

For Petitioner	: Mr. R.Murugappan
For R1 to R3	: Mr. K.Suyambulinga Bharathi
	Government Advocate (Criminal side)

ORDER

The present petition is filed seeking for a direction to the third respondent to provide police protection to the petitioner for removing the paddy haystack put up by the respondents 4 to 7 at the petitioner's land of bearing survey No.15/1, old patta No.707 and new patta N.1329, situated at Periya Aiyakudi Village, Siraikulam Group, Kadaladi Taluk, Ramanathapuram District.



2. A perusal of the records, shows that the petitioner has filed O.S.No.86 of 2015 on the file of the District Musif Court, Muthukulathur, Ramanathapuram District, for declaration and permanent injunction and the same is pending. Further, it is seen that the petitioner filed I.A.No.594 of 2015 in O.S.No.86 of 2015 for temporary injunction against the fourth respondent and his father and it was allowed on 15.10.2015. Against which, the fourth respondent and another filed C.M.A.No.7 of 2017 before the Sub Court, Muthukulathur, which was also dismissed on 11.02.2020. However, the petitioner seeks police protection on the ground that the private respondents violated the Court order and put up paddy haystack in the property.

3. According to the learned Government Advocate (Criminal side) for the respondents 1 and 2, based upon the complaint given by the petitioner, enquiry was conducted and it was also closed.

4. The question which arise for consideration is whether the criminal proceedings can be initiated for violation of the temporary injunction order passed by the Court in the above said matter?

5. The petition will not lie and the petitioner has to work out his remedy before the competent civil Court in the pending matter, since criminal remedy is not available.

6. In the facts and circumstances of the case, the Criminal Original Petition is disposed of with liberty to the petitioner to work out his remedy before the competent civil Court.

Sd/-

ASSISTANT REGISTRAR (A.S)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR(CS-)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Keelakkarai,
Ramanathapuram District.
3. The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SJI (PA), KUN (CO)
SMN : 12/05/2021 : 3P/5C.

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