



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl.O.P. (MD)No.16959 of 2021

K.Chinnamaruthu

... Petitioner

vs.

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

2.The Inspector of Police,
Aviyoor Police Station,
Virudhunagar,
Virudhunagar District.

3.Karthikeyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to direct the respondents 1 and 2 to give necessary police protection to the life and limb of the petitioner and his family members with regard to survey the petitioner's land in Survey No.177/10, Kurandi Village, Kariyapatti Taluk, Virudhunagar on the basis of the petitioner's representation dated 26.07.2021.

For Petitioner : Mr.A.Purantharadhas

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1&R2
Mr.R.Shankar Ganesh for R3

O R D E R

Heard the learned counsel on either side.

2.The petitioner states that he is having a decree dated 27.06.2013 in O.S.No.233 of 2012 on the file of the District Munsif Court, Aruppukkottai. The learned counsel for the third respondent would state that he had filed a petition for setting aside the exparte decree and that there was a delay in filing same. The condone delay petition was dismissed. Challenging the same, he has also filed revision before this Court.

3.I am of the view that if the petitioner is having an enforceable decree from the civil court, the relief of police



protection can be considered. In this case, the third respondent has filed a petition challenging the dismissal of the condone delay petition. It is also pending before this Court. In these circumstances, exercise of power under Section 482 of Cr.P.C. will not arise at all. No relief can be granted in this criminal original petition. Leaving open the petitioner's rights, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

csm/mga

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,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Aviyoor Police Station,
Virudhunagar,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.A.PURANTHARADHAS, Advocate (SR-37322,SR-37480[F] dated 03/12/2021)

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