



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19914 of 2021

1.C.Manimala
2.C.Viknesh
3.C.Jegan

... Petitioners/Aggrieved Person

Vs.

1. The Deputy Commissioner of Police,
(Law & Order), Madurai City.

2. The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

... Respondents/Respondents

3.A.Manikandan
4.A.Kumar
5.K.Chithra

... Respondents/Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Inspector of Police, S.S.Colony, Madurai City to allow the petitioners to have occupation in their properties situated in D.No.208/1, Theni Main Road, Virattipathu, Madurai - 16, by returning the key of the said premises which has been hold by him in the light of the judgment delivered by the learned District Munsif Court, Tirumangalam in O.S.No.140 of 2016 forthwith.

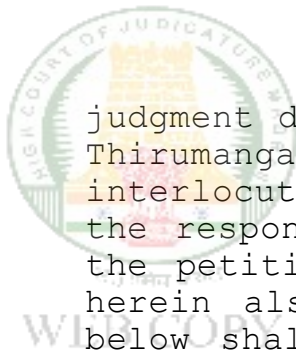
For Petitioners : Mr.R.Anand
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)
for R1 & R2.

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents 1 and 2. considering the nature of relief to be granted, issuance of notice to the respondents 3 to 5 is dispensed.

2.This criminal original petition has been filed for directing the respondent police to hand over the keys in respect of the petition mentioned property.

3.It is seen that the petitioners have already moved the jurisdictional Civil Court by filing O.S.No.140 of 2016 and obtained a decree in their favour on 07.12.2020. It is further stated by the learned counsel for the petitioners that the



judgment debtors have filed A.S.No.5 of 2021 before the Sub Court, Thirumangalam. The petitioners are permitted to file an interlocutory application in the pending appeal suit. Even though the respondent police may not be the parties to the main appeal, the petitioners are permitted to implead the respondents 1 and 2 herein also in the said interlocutory application. The Court below shall number the same and after notice to the respondents herein dispose of the same on merits and in accordance with law within a period four weeks after the said interlocutory application is filed. I make it clear that I have not gone into the merits of the matter. The first appellate Court will take the call in the matter.

4.With this liberty to the petitioners herein and direction to the first appellate Court, this criminal original petition is disposed of. The Registry is directed to mark a copy of this order to the learned Sub Judge, Thirumangalam.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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 District Munsif, Thirumangalam.
2. The Deputy Commissioner of Police,
(Law & Order), Madurai City.
3. The Inspector of Police,
S.S.Colony Police Station, Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Subordinate Judge, Thirumangalam.

+1 CC to M/s.R.ANAND, Advocate (SR-38903[F] dated 15/12/2021)

Crl.O.P(MD)No.19914 of 2021

15.12.2021

USK (20.12.2021) 2P 7C

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