



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P (MD)No.11529 of 2020

WEB COPY

K.K.M.Muthiah Kone

... Petitioner

Vs.

1. K.K.M.Balakrishnan

2. State through

The Inspector of Police (L & O)

E-3, Anna Nagar Police Station

Madurai City.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent/police to give protection as per the Court judgment and decree passed in O.S No.1182 of 2011 and on the basis of the representation given to the second respondent dated 26.03.2019.

For Petitioner : T.K.Gopalan

For R-1 : Mr.V.M.Jegadeespondian

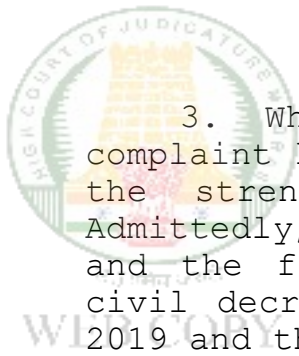
For R-2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent police to give protection as per the Court judgment and decree passed in O.S No.1182 of 2011 and on the basis of the representation given to the second respondent dated 26.03.2019.

2. The petitioner filed a suit for injunction in O.S.No.1182 of 2011 in respect of the property comprised in Shop No.J239, admeasuring 300 square feet, which was allotted in favour of the petitioner by the Madurai Market Community on 06.10.2006. However, there is a dispute pending between the petitioner and the first respondent and as such, the petitioner filed a suit for injunction in O.S.No.1182 of 2011 on the file of the learned Additional District Munsif, Madurai Town. The same was decreed by judgment and decree dated 14.12.2018. Aggrieved by the same, the first respondent filed an appeal in A.S.No.19 of 2019 and it is pending on the file of the III Additional Sub Court, Madurai.



3. While pending the Appeal Suit, the petitioner lodged complaint before the second respondent seeking police protection on the strength of the decree passed in O.S.No.1182 of 2011. Admittedly, there is a civil dispute pending between the petitioner and the first respondent and though the petitioner obtained the civil decree of injunction, it is under challenge in A.S.No.19 of 2019 and the same is pending.

4. The learned Additional Public Prosecutor would submit that the second respondent conducted enquiry and on the enquiry, the petitioner and the first respondent appeared before the second respondent and the first respondent gave an undertaking not to disturb the peaceful possession and enjoyment of the petitioner's shop till the outcome of the appeal suit. Recording the said undertaking, the second respondent closed the enquiry on 23.02.2022.

5. Recording the said submission, this Criminal Original Petition is closed. However, if any fresh cause of action arises, the petitioner is at liberty to lodge a fresh complaint before the second respondent.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Inspector of Police (L & O)
E-3, Anna Nagar Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.K.GOPALAN, Advocate (SR-8660[F] dated 25/02/2022)

Crl.O.P(MD) .No.11529 of 2020

25.02.2022

MGJ(17.03.2022) 2P 4C

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