



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.19034 of 2021

Madurai District, Periyur Taluk,
Mallapuram Village, Perumal Patti,
Thulu naickanoor Village &
Nadarkalpatti Hindu Nadar Uravinmurai
Dharmpalana Sabai Mahimai Fund
Rep by its Present Secretary
Kathirvelrajan

(Cause title amended as per order of
this Court dated 10.12.2021 made in
Crl.M.P(MD)No.10821 of 2021 in
Crl.O.P. (MD)No.19034 of 2021)

... Petitioner/
Petitioner

Vs.

1.The State represented by
The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti,
Madurai District.

3.The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

4.Thangamani
5.Sumathi

... Respondents/
Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Respondent Nos.1 to 3 to provide adequate police protection to construct the compound wall in the property situated in Survey No.238/1 having an extent of 0.035 ares - 9 cents situated at M.Kallupatti Village, Peraiyur Taluk, Madurai District based on the judgment and decree passed in a suit in O.S.No.12 of 2019 by the learned District Munsif Cum Judicial Magistrate



Court, Peraiyur, Madurai District dated 11.02.2021 and the petitioner's representation, dated 06.10.2021.

For Petitioner : Mr.G.Prabhu Rajadurai
for Vanchinathan

For Respondents : Mr.M.Veeranthiran
Government Advocate (Crl.Side)
for R.1 to R.3

Mr.K.Surendren for R.4 & R.5

ORDER

Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 and 5.

2. The petitioner claims that he is being prevented from enjoying the petition mentioned property. The petitioner wants to put up a compound wall for enclosing the petition mentioned property. It is further pointed out that the petitioner had already filed O.S.No.12 of 2019 against the fourth respondent herein and it has been decreed.

3. If that be so, to enjoy the fruits of the decree, it is always open to the petitioner to file an execution petition. If an injunction decree is being violated, the persons found violating can also be punished as per law. When the petitioner is having an effective remedy before the Executing Court, invoking Section 482 Cr.P.C is not appropriate.

4. The learned counsel appearing for the petitioner states that he may not get relief if the petitioner filed any E.P before the Court below for enforcing the decree in question. The Court below is mandated to take up the same and dispose it of on merits and in accordance with law without any delay. This Criminal Original Petition is disposed of.

Sd/-

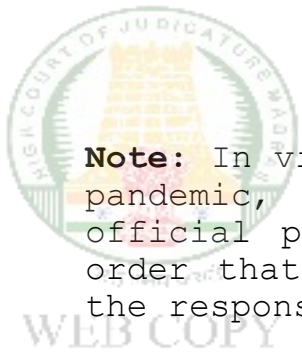
Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

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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 Cum Judicial Magistrate,
Peraiyur, Madurai District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti,
Madurai District.
- 4.The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.19034 of 2021

21.01.2022

MGJ(16.03.2022) 3P 6C