



Crl.O.P(MD)No.13816 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:02.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P(MD) No.13816 of 2023

C.Janamo Jayan

... Petitioner

Vs

The State Rep. by

1.The Superintendent of Police,
Kanyakumari District.

2.The Deputy Superintendent of Police,
Colachel,
Kanyakumari District.

3.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

4.J.Jenish Kumar

5.Saroja

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1, 2 & 3 to provide adequate police protection to the petitioner as well as to the petitioner's property in Re-Sy No.292/4-C of Midalam 'A' Village, Killiyoor Taluk, Kanyakumari District on the basis of the petitioner's representation dated 02.04.2022 and 11.04.2022.



Crl.O.P(MD)No.13816 of 2023

For Petitioner : Mr.R.Russel Raj

For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition is filed seeking for a direction for issuance of police protection to the petitioner for enjoying the property in Survey No.292/4-C of Midalam A Village, Killiyoor Taluk, Kanyakumari District for implementation of the decree of the Civil Court in O.S.No.7 of 2014.

2. It is submitted by the learned counsel for the petitioner that he had purchased the property from one Vijayakumar, who is the brother of one Jeyakumar. Both of them having 15 cents. After purchasing of 7 ½ cents from Vijayakumar the petitioner and the Jeyakumar have filed a suit against one Jeyapaul and other Government officials and the said suit was decreed granting declaration declaring that the petitioner is the owner of 7 ½ cents and also granted a decree for mandatory injunction for removal of Wall.

3. The fifth respondent herein is a divorcee and former wife of the fifth defendant in O.S.No.7 of 2014, stated to be in possession of the property



Crl.O.P(MD)No.13816 of 2023

for the last one year. The petitioner has filed a complaint before the police instead of approaching the Civil Court for evicting the fifth respondent from the property belonging to the petitioner. The petitioner has filed complaint before the police to provide protection from the police for implementation of the injunction orders.

4. This Court having heard the petitioner for about 20 minutes is of the opinion that the petitioner tried to misguide the Court. The counsel for the petitioner has admitted that petitioner intends to evict the fifth respondent with the help of police. Fifth respondent is not a party to the said civil court decree, the petitioner should not have prayed this court to give protection for implementation of the civil court decree against the fifth respondent. Even if the fifth respondent is a party to the civil suit, the petitioner shall approach the civil court and file EP to execute the decree.

5. Considering all the circumstances, it is clear that the petitioner without approaching the civil court has filed the application by misrepresenting the court, hence, to resolve the civil dispute by giving colour of criminal case, this Criminal Original Petition is dismissed with a cost of Rs.1,000/-. The petitioner is directed to pay the said cost to the account No.7567821433, Indian Bank, High Court Branch, Madurai, for donating law books to a Separate



CrI.O.P(MD)No.13816 of 2023

Section in the name of “Madurai Bench of Madras High Court” in Kalaingar

Centenary Library, Madurai.

NCC:yes/no
Index:yes/no
Internet:yes/no
am

02.08.2023

To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
Colachel,
Kanyakumari District.
- 3.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.13816 of 2023

DR.D.NAGARJUN, J.

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Crl.O.P.(MD)No.13816 of 2023

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