



CrI.O.P.(MD) No.1904 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.1904 of 2024

S.John Peter

...Petitioner

Vs.

1.The Superintendent of Police

Pudukottai District,Pudukottai.

2.The Deputy Superintendent of Police

Aranthangi, Pudukottai District.

3.The Inspector of Police

Avudaiyar Koil Police Station,

Pudukottai District.

4.Jegadeesh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondents 1 to 3 to provide adequate police protection to the Petitioner at the time of conducting harvest in his paddy field situated in Survey No.18/6C2 by taking account of the judgment decree passed in O.S.No.31 of 2016 by the learned District Munsif, Aranthangi, based on the Petitioner's complaint dated 31.01.2024.



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For Petitioner : Mr.G.Thalaimutharasu
For R1 to R3 : Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that this Criminal Original Petition has been filed to direct the Respondents 1 to 3 to provide adequate police protection to the Petitioner at the time of conducting harvest in his paddy field situated in Survey No.18/6C2.

2. The learned Counsel for the Petitioner submits that the Petitioner had filed the suit against the fourth Respondent in O.S.No.31 of 2016 for permanent injunction before the learned District Munsif, Aranthangi. After full trial, the suit was decreed in favour of the Petitioner, as per the judgment dated 27.06.2023. In spite of the decree, the fourth Respondent is alleged to have attempted to harvest the crops in Survey No. 18/6C2, which was the subject matter of the suit.



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3. The learned Counsel for the fourth Respondent (claims to be appearing for the fourth Respondent) had not filed vakalat. She would submit that he is in possession. Therefore, he is entitled to harvest the crops.

4. To the query of this Court whether he was a party to the suit in O.S.No.31 of 2016, she submits that he was a party. Whether decree was granted in favour of the Petitioner, she admits that the decree was in favour of the Petitioner. She also adds that he had filed an Appeal and the Appeal is pending before the learned Sub Judge, in A.S.No.16 of 2023. To the query of this Court whether the Defendant / Appellant before the Sub Court, had been granted any interim order to harvest the crops, the learned Counsel for the fourth Respondent submits that there is no proceedings in the Court. Therefore, he is entitled to harvest crops as he was in possession at the time of decree. The said submission of the learned Counsel, who appeared for the fourth Respondent (not filed any vakalat) cannot be accepted in the light of the decree passed in favour of the Petitioner herein, who is a decree holder till date. The Petitioner is directed to take appropriate action against the defendant, who lost the case and who is the



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appellant before the learned Sub Judge, by filing appropriate Petition for contempt of the decree.

5. The learned Government Advocate (Criminal Side), on instructions of the Respondent Police, submits that they have received complaint from the Petitioner on 03.02.2024, on which, C.S.R.No.61 of 2024 was registered and the enquiry is pending. He undertakes that they will hold enquiry.

6. Undertaking given by the learned Government Advocate (Criminal Side) on instructions of the third Respondent is recorded. In the light of the Circular issued by the Additional Director General of Police, Law & Order, Tamil Nadu, in C.No.18/ ADGP/ L&O/Camp/2024, dated 09.01.2024, that they shall not entertain Petitions regarding the property dispute, money dispute, will not hold good as the decree is in favour of the Petitioner. Therefore, the Respondent Police are directed to give police protection in the light of the decree granted by the learned District Munsif, Aranthangi. If at all the decree is reversed by the Appellate Court, the 4th Respondent is entitled to appropriate relief.



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7. With the above directions, this Criminal Original Petition is

disposed of.

Internet: Yes./No

08.02.2024

Index: Yes/No

NCC : Yes/No

LS

To

1.The Superintendent of Police

Pudukottai District,Pudukottai.

2.The Deputy Superintendent of Police

Aranthangi, Pudukottai District.

3.The Inspector of Police

Avudaiyar Koil Police Station,

Pudukottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LS

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