



Crl.O.P.(MD) No.2362 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2362 of 2024

R.Manon

...Petitioner

VS

**1.The Superintendent of Police,
Theni District.**

**2.The Sub Inspector of Police,
Rayappanpatti Police Station,
Theni District.**

3.Chinnasamy

4.Balu

5.Neelakandan

6.Mariappan

7.Panner

8.Arivu

9.Saleeth

...Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the 2nd respondent Sub inspector of Police, Rayappanpatti Police Station, Theni District to give adequate police protection to the life and limb of the Petitioner and his family members and his property in old survey No.3/10 and New Survey No.379/17 at Rayappanpatti Village, Uthamapalayam Taluk, Theni District from the 3rd to 9th respondents, based on the injunction order passed in O.S.No.62 of 2020 District Munsif Court, Uthamapalayam, Theni District, dated 01.04.2021.

For Petitioner : Mr.S.Balaji
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (CrI.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner is the plaintiff in O.S.No.62 of 2020 pending on the file of the learned District Munsif, Uthamapalayam. After due trial, the plaintiff was granted a decree of injunction, wherein the Respondents herein are the Defendants. After the grant of decree in favour of the Petitioner herein, the Respondents 4 to 9 interfered with the possession of the plaintiff in the suit, the Petitioner herein forcing the plaintiff to approach the second Respondent seeking police protection. The second Respondent had directed the Petitioner to



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obtain fresh orders from the civil Court. Therefore, he was forced to file this Petition seeking direction against the Respondents 1 and 2.

2.The learned Government Advocate (Crl.side), on instructions of the Respondents 1 and 2, would submit that already there was a decree in favour of the Petitioner, but the Respondents 3 to 9 were not the parties. Therefore, he seeks directions against the Respondents 3 to 9.

3.The learned Counsel for the Petitioner had enclosed a copy of the decree in the typed set of papers, which is sufficient for this Court to take judicial notice of the civil proceedings. When there is a decree in favour of the Petitioner, the Petitioner need not implead the Respondents in this Petition. The Respondents 1 and 2 are duty bound to protect the decree.

4.Therefore, the Petitioner is directed to file appropriate petition before the learned civil Judge seeking contempt against the Respondents herein. For the present, this Criminal Original Petition is disposed of with a



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direction to the Respondents 1 and 2 not to interfere in the civil Court decree. They are duty bound as Police Officers to uphold the decree.

Internet: Yes./No
Index: Yes/No
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19.02.2024

To

- 1.The Superintendent of Police,
Theni District.
- 2.The Sub Inspector of Police,
Rayappanpatti Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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