



Crl.O.P.(MD) No.2951 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2951 of 2024

Sellaiya

...Petitioner

VS

- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Thenkasi District.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Sankarankovil,
Thenkasi District.
- 3.The Inspector of Police,
Karivalamvanthanallur Police Station,
Karivalamvanthanallur,
Thenkasi District.

4.Nagarajan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondent Nos.1 to 3 to provide adequate police protection to the Petitioner and his family members for life and limb by considering the decree and judgment passed by the Sub Court,



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Sankarankovil in favour of the Petitioner's deceased wife, namely Subbulakshmi in O.S.No.32 of 2010 dated 06.02.2015 based on the Petitioner's representations on 03.02.2024 and 08.02.2024 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

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

For R4 : Mr.RJ.Karthick

ORDER

The learned Counsel for the Petitioner submits that the Petitioner is the husband of the deceased Subbulakshmi, who is the plaintiff in the suit in O.S.No.32 of 2010 on the file of the learned Subordinate Judge, Sankarankovil. The suit was filed for partition in the family properties belonging to the father of the plaintiff. As per judgment dated 06.02.2015, the wife of the Petitioner herein and her sisters were granted preliminary decree for 24/36th share in the joint family properties. Subsequently, the wife of the Petitioner died. The fourth Respondent is the purchaser of the property from one of the sharers. When the suit was pending, the learned Subordinate Judge, had granted interim injunction not to alienate or



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encumber the suit properties by the other sharers. After granting the preliminary decree, the fourth Respondent herein along with other defendants in the suit had preferred an appeal before the learned III Additional District Judge, Tirunelveli in A.S.No.29 of 2015. Now, it has been transferred to Tenkasi District.

2.Also, the learned Counsel for the Petitioner submits that the appeal was dismissed for non prosecution. Subsequently, only recently, they had restored the appeal. It is his further submission that in the meantime, the Petitioner had sought police protection by filing CrI.O.P.(MD) No.1099 of 2024 to harvest the maize belonging to the Petitioner's wife. This Court had granted the relief prayer by the Petitioner, as per order dated 24.01.2024. Now, the Petitioner had filed this Petition to harvest the maize crops.

3.Considering the fact that the final decree petition is yet to be filed, the appeal preferred by the fourth Respondent was dismissed in the year 2016 and restored only recently and in the light of the earlier order passed by this Court, the Respondents 1 to 3 herein are directed to extend the police protection to harvest the maize. The claim of the Petitioner to harvest



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maize and the dispute by the Respondent can be considered at the time of appeal.

4.For the present, the Petitioner is granted the relief. The Respondents 1 to 3 herein are directed to protect the interest of the Petitioner as per the preliminary decree. The Petitioner is directed to co-operate with the appellate Court regarding enquiry and the value to be decided by the appellate Court for any orders.

With the above directions, this Criminal Original Petition is disposed of.

Internet:Yes./No
Index:Yes/No
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26.02.2024

To

- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Thenkasi District.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Sankarankovil, Thenkasi District.

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- 3.The Inspector of Police,
Karivalamvanthanallur Police Station,
Karivalamvanthanallur,
Thenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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