



Crl.O.P.(MD)No.3606 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.3606 of 2023

Jegadeesh

... Petitioner

VS.

1.The Inspector of Police,
Manapparai Police Station,
Trichy Distict.

2.Jayachitra

3.Prina Nancy

4.Prina Lincy

... Respondents

Prayer:- Petition filed under Section 482 of Code of Cr.P.C., to direct the first respondent to give adequate police protection to the life and limb of the petitioner and his family members, based on the petitioner's complaint dated 23.12.2022.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mrs.M.Aasha
Government Advocate (Crl.Side) for R1
Mr.A.Manikandan for R2 to R4



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ORDER

This petition is filed to direct the first respondent to give adequate police protection to the life and limb of the petitioner and his family members, based on the petitioner's complaint dated 23.12.2022.

2. The petitioner seeks police protection. It is the case of the petitioner that already the Civil Court has passed the decree in his favour on 26.08.2019 in OS.No.331 of 2015 on the file of the Principal District Munsif, Manapparai and therefore, the police is bound to give him protection in terms of the above said decree.

3. The learned Government Advocate (Crl.Side) for the first respondent would submit that the petitioner's petition has been entered into the Community Service Register. Thereafter, it was enquired and closed.

4. The learned counsel appearing on behalf of the private respondents would submit that the decree dated 26.08.2019 is an *ex-parte* decree, and already applications were filed to condone the delay in setting aside the *ex-parte* decree, and already, the delay is condoned. Now, an application for setting aside the *ex-parte* decree is pending before the trial Court.



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5. So long as the *ex-parte* decree is in force, the police are bound to give the protection. Since at this juncture, it is mentioned that already delay is condoned and set aside application is pending, depending upon the outcome of the petition said to have been filed by the private respondents for setting aside the *ex-parte* decree, the petitioner can again approach the respondent police and if the *ex-parte* decree is not set aside and is in force, the police will grant protection to the petitioner in terms of the civil Court decree.

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

11.09.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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D.BHARATHA CHAKRAVARTHY, J.

dss

To

- 1.The Inspector of Police,
Manapparai Police Station,
Trichy Distict.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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