



Crl.O.P.(MD)No.8191 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.8191 of 2024

S.Perumal

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The State Rep. by,
The Inspector of Police,
M.Reiddiyapatti Police Station,
M.Reiddiyapatti,
Aruppukottai Taluk,
Virudhunagar District.

3.S.Govindaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, seeking a direction to the second respondent to provide adequate Police protection to the life and limb of the petitioner, by considering the petitioner's complaint dated 28.04.2024, forthwith.



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For Petitioner : Mr.C.Prithiviraj
For R1 and R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R3 : Mr.I.Suthakaran

ORDER

This Criminal Original Petition has been filed seeking a direction to the second respondent to provide adequate Police protection to the life and limb of the petitioner, by considering his complaint, dated 28.04.2024.

2. The learned counsel for the third respondent submitted that after the suit was decreed, the third respondent, who is the defendant in the suit, has filed an appeal in A.S.No.34 of 2024 before the Sub Court, Aruppukottai, which is at the final stage and is posted for arguments on 04.02.2025. In light of the pending appeal, the petitioner, relying on the judgment and decree dated 05.03.2024, passed in O.S.No.137 of 2016, cannot seek a protection order. The appeal is essentially an extension of the trial process, and it would be prudent for the petitioner to await the outcome of the appeal.



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3. The learned Additional Public Prosecutor submitted that there is an ongoing civil dispute between the petitioner and the third respondent. The petitioner had filed a Civil Suit in O.S.No.137 of 2016 before the Additional District Munsif Court, Aruppukottai, and obtained a judgment and decree on 05.03.2024, which restrained the third respondent from interfering with the peaceful possession and enjoyment of the petitioner. However, the third respondent has filed an appeal against the judgment and decree dated 05.03.2024, and the same is currently pending. In view of the fact that the dispute is civil in nature and cases are already pending in the Civil Court, the second respondent / Investigating Officer, after conducting an enquiry, closed the complaint filed by the petitioner.

4. Recording the above said submissions, this Criminal Original Petition is disposed of.

14.11.2024

NCC : Yes / No
Index : Yes / No
smn2

To
1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.



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- 2.The Inspector of Police,
M.Reiddiyapatti Police Station,
M.Reiddiyapatti,
Aruppukottai Taluk,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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