



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.09.2024

CORAM

The Hon'ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.19833 of 2023

Periyammal ... Petitioner
Vs.

1. The Superintendent of Police
Karur District, Karur
2. The Inspector of Police
Palaviduthi Police Station, Karur District.
3. Vellaisamy
4. Kanagasabai
5. Shanmugam
6. Rajesh
7. Thangaraj
8. Sivakumar
9. Selvamani
10. Ramakrishnan
11. Banu ... Respondents

PRAYER :- This Petition is filed under Section 482 Cr.P.C, to direct the 1st respondent to instruct the 2nd respondent police to give necessary police protection to the life and limb of the petitioner and her family members on the basis of the petitioner and her family members on the basis of the petitioner's representation dated 06.10.2023.



For Petitioner : Mr.P.Saravanakumar

For Respondents : Mrs.M.Aasha
Government Advocate (Crl.Side)for R1 & 2

: Mr.T.A.Ebenezer for R3, 5 to 9

: No appearance for R10

ORDER

The petitioner has filed this petition for police protection.

2. Heard the learned counsel on either side.

3. The grievance of the petitioner is that the petitioner is in possession of the suit property and the same is being interfered and threats are made by the private respondents.

4. The learned counsel for the private respondents would submit that it is the private respondents, who are in possession of the property, and the appeal suit filed by them is pending.



5. Be that as it may, it can be seen that the private respondents have filed a suit in O.S.No.155 of 2009 and by a judgment and decree dated 14.10.2014, the said suit was dismissed. In the said suit, there is a categorical finding that the private respondents have not proved their possession, with reference to the suit property.

6. In that view of the matter, with reference to the possession of the suit property, the police can grant protection, as per the Civil Court decree. However, it is said that the appeal suit is pending in A.S.No.14 of 2015. It can be seen that there is no interim injunction pending the appeal suit. Therefore, when there are no orders in favour of the petitioner and not in favour of the party respondents, the police has to go as per the civil court findings. Only if and when the private respondents succeed in the appeal, then only, they can interfere with the possession after succeeding the Appeal Suit. The police can give protection only as per the civil court decree. If and when the petitioner is disturbing the possession, without getting any orders from the Appeal Suit, the same can be reported to the respondent police and the respondent police are bound to give protection as per the findings of the Civil Court.



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7. With the above directions, this Petition is disposed of.

11.09.2024

Internet : Yes
Index : Yes/ No
NCC : Yes/No
LS

TO

1. The Superintendent of Police
Karur District, Karur
2. The Inspector of Police
Palaviduthi Police Station, Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY,J

LS

ORDER
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