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Crl.O.P.(MD).No.21362



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.21362 of 2023

S.M.Michael

...Petitioner

Vs.

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

2.The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.

3.S.Joseph

4.Raja

5.Santhosh

6.Kartharinal

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent Nos.1 and 2 to give police protection to the petitioner's life and to the schedule of properties mentioned in the suits in O.S.No.151 of 2010 and O.S.No.141 of 2011 on the file of the Principal District Munsif Court, Manamadurai on the base of the petitioner's representation dated 31.10.2023 within stipulated period of time fixed by this Court.



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For Petitioner : Mr.K.Gokul
For R-1 & R-2 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)
For R-3 to R-6 : Mr.A.Sivaji

ORDER

This petition has been filed seeking for a direction to the respondent Police to provide Police protection to the petitioner and his property based on the Civil Court decree.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police and the learned counsel appearing for respondent Nos.3 to 6.

3. It is seen from the records that the Civil Court decree has gone in favour of the petitioner right through upto the Second Appeal before this Court.

4. The learned counsel appearing for the private respondents submitted that a review petition has been filed and the same is pending.

5. In the considered view of this Court, if the Civil Court decree has gone in favour of the petitioner, the petitioner cannot be prevented from enjoying the



property just because a review application is filed and it is pending. The private respondents will have to work out their remedy only in the review proceedings and they cannot cause any threat or disturbance to the petitioner, since the civil proceedings has gone entirely in favour of the petitioner.

6. In the light of the above discussion, the respondent Nos.3 to 6 shall not cause any disturbance or threat to the petitioner. They can only agitate their rights before the competent Court and depending upon the result, they can act further. If in spite of this Court direction, any disturbance or threat is caused by the private respondents, the second respondent shall take action in accordance with law against the private respondents.

7. This Criminal Original Petition is disposed of with the above directions.

22.11.2024

Index : Yes / No
Internet : Yes / No
Speaking Order/Non Speaking Order
TSG
To
1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

TSG

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