



*Crl.M.P.No.6607 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.6607 of 2024

in

Crl.O.P.No.6342 of 2023

M.Kannan

... Petitioner

Vs.

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

2. The Inspector of Police,  
Keelkuppam Police Station,  
Kallakurichi District.

3. Subramanian

4. Pappa

5. Anjalai

6. Chinnammal

7. Amudha

(R4 to R7 impleaded as per  
order dated 10.02.2025 in  
Crl.M.P.No.2310 of 2025  
in Crl.O.P.No.6342 of 2023)

... Respondents

**Prayer:** Criminal Miscellaneous petition filed under Section 482 of Cr.P.C., to clarify the order passed by this Court dated 23.06.2023 in above Crl.O.P.No.6342 of 2023.



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For Petitioner : Ms.T.Nithya  
For Respondents : Mr.R.Vinothraja  
For R1 & R2 : Mr.R.Vinothraja  
Government Advocate (Crl. Side)  
For R4 to R7 : Mr.G.Balamanikandan  
**ORDER**

This petition has been filed to clarify the order passed by this Court dated 23.06.2023 in Crl.O.P.No.6342 of 2023.

2. The petitioner filed the main petition in Crl.O.P.No.6342 of 2023 seeking police protection to the petitioner while putting up a fence in and around his property, which was declared in O.S.No.413 of 2012 on the file of the District Munsif Court, Kallakurichi. This Court by an order dated 23.06.2023 in Crl.O.P.No.6342 of 2023, dismissed the petition by observing that, aggrieved by the said judgment and decree, there is an appeal pending in A.S.No.73 of 2022 on the file of the Subordinate Court, Kallakurichi. Further recorded that the petitioner is not in possession of the property.

3. The learned counsel appearing for the petitioner submitted that the petitioner filed suit in O.S.No.413 of 2012 on the file of the District Munsif Court, Kallakurichi, for declaration and injunction. The said suit was decreed in his favour and after declaration and injunction,



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the possession of the property was also handed over to the petitioner. As against the said judgment and decree, the third respondent did not file any appeal and it become final. However, the appeal suit in A.S.No.73 of 2022 was filed as against the judgment and decree made in O.S.No.102 of 2016 on the file of the I Additional District Munsif Court, Kallakurichi, which was filed by the petitioner's sister for partition. The said suit was decreed and aggrieved by the same, the petitioner filed the appeal suit in A.S.No.73 of 2022 before the Subordinate Court, Kallakurichi and it is pending for adjudication. Further, the petitioner is in possession and enjoyment of the property. The petitioner's sister filed suit for partition and it was decreed in their favour and respective shares were allotted in their favour. Therefore, in order to fence the entire property, the petitioner sought for police protection.

4. Admittedly, there is a civil dispute between the petitioner and respondents 3 to 7. Therefore, the request made by the petitioner seeking police protection to fence the property cannot be considered. However, the petitioner is at liberty to approach the appeal Court in A.S.No.73 of 2022 for appropriate relief.



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5. Accordingly, this Criminal miscellaneous petition is clarified.

10.02.2025  
( $\frac{1}{2}$ )

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order

rts



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- To
1. The Superintendent of Police,  
Kallakurichi,  
Kallakurichi District.
  2. The Inspector of Police,  
Keelkuppam Police Station,  
Kallakurichi District.
  3. The Public Prosecutor,  
Madras High Court,  
Chennai.



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**G.K.ILANTHIRAIYAN, J.**

rts

Crl.M.P.No.6607 of 2024  
in Crl.O.P.No.6342 of 2023

10.02.2025  
(½)