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CRL OP No. 22485 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22485 of 2025

1. Kavitha@vanathi
W/o.Palani, Vinayagapuram Street,
Meleripakkam Village and post,
Thirukazhukundram Taluk,
Chengalpattu District

Petitioner(s)

Vs

1. State rep by the Superintendent of
Police
Chengalpattu district

2.The Inspector of Police
Sadras Police Station, Chengalpattu
district

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to issue a direction to the respondent to provide sufficient police protection forthwith to the petitioner and to concerned court bailiff to execute the delivery of vacant possession of the property situated at Lattur village, Nerumbaur firka,



Thirukazhukundram taluk, Chengalpattu District in Old Survey No.339/5, New Survey No.339, 5C, Admeasuring to an extend of 79 cents in view of the order dated 08.02.2023 in E.A.No.1/2023 in E.P.No.3/2013 in OS NO.34/2007 on the file for the Learned District Munsif cum Judicial magistrate, Thirukazhukundram

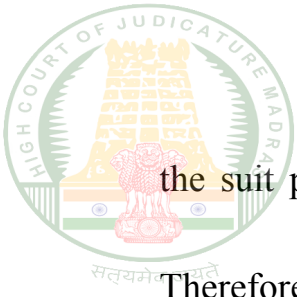
For Petitioner(s): G.Magesh Kumar

For Respondent(s): Mr.R.Vinodh Raja,
Government Advocate [Crl.Side]

ORDER

This Criminal Original Petition has been filed seeking a direction to the first and second respondents to give necessary police protection to execute the decree of the Civil Court passed in O.S.No.94 of 2007, dated 26.06.2012.

2. It is the case of the petitioner that in the suit filed for declaration and recovery of possession in O.S.No.94 of 2007, a decree and judgement has been passed in favour of the petitioner. On the basis of the said decree, the petitioner had filed an Execution Petition in E.P.No.2 of 2013. When the bailiff went to



the suit property for execution, the same was obstructed by the third parties.

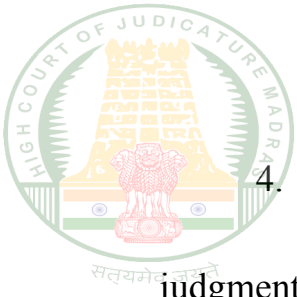
Therefore, the decree holder filed an application in E.A.No.1 of 2023 for

necessary police protection before the Executing Court. The trial Court had also

Ordered police protection. The grievance of the petitioner is that despite the

Order of the trial Court, the police had not provided any protection.

3. The learned Government Advocate [Criminal Side] on instructions submitted that once when the second respondent police went to the place, since there was likelihood of law and order problem, they came back. He further submitted that whenever they receive representation for police protection to execute the decree of the Civil Court, they will provide adequate police protection. It is the further contention of the learned Government Advocate that since a complaint under section 138 of the Negotiable Instruments Act has been filed and the same pending before the Fast Track Court, they are not able to give police protection.



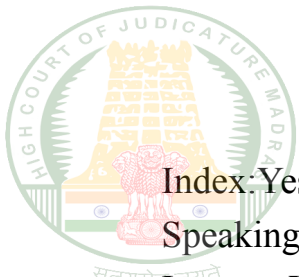
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4. It is to be noted that when police protection is sought to execute the judgment and decree of a Civil Court, it is the duty of the police to give police protection and when a crowd is gathered to thwart the execution of the decree of the Court, the respondents cannot contend that as there is law and order problem and hence, they are not in a position to give police protection. It is the duty of the police to see that the decree of the Civil Court is executed. As far as the case pending before the Fast Tract Court is concerned, the police have no role with regard to the said complaint.

5. Accordingly, whenever the bailiff of the Civil Court gives a request for police property, the respondents shall give necessary police protection to execute the decree and judgment passed by the Civil Court.

6. With the above direction, this Criminal Original Petition is disposed of.

13-08-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The District Munsif cum Judicial Magistrate,
Thirukazhukumdram.

2. The Superintendent of Police
Chengalpattu district

3. The Inspector of Police
Sadras Police Station, Chengalpattu
district

4. The Additional Public Prosecutor,
High Court, Madras.



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