

Crl.OP(MD)No.12220 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

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K.K.M.Muthiah Kone

: Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Inspector of Police,
E-3 Anna Nagar Police Station,
Madurai City.

2.K.K.M.Balakrishnan

: Respondents

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] to direct the first respondent to provide adequate police protection to the life and limb of the petitioner and his family members.

For Petitioner : Mr.T.K.Gopalan

For Respondents: Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
for R.1

Mr.P.T.S.Narendra Vasan for R.2



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ORDER

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Seeking police protection, the petitioner has filed this instant original petition.

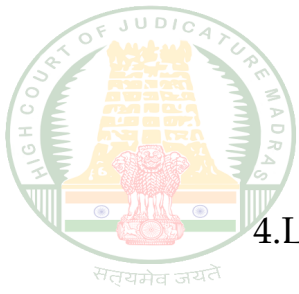
2.The petitioner claims that he has been allotted with Shop No.J239, Flower Market Complex, Mattuthavani, Madurai. According to him, the second respondent, who is his father's second wife's son, is disturbing with his possession and peaceful enjoyment of the property. Therefore, the petitioner has filed a civil suit as against the second respondent before the District Munsif Court, Madurai, in OS.No.1182 of 2011. The said suit was decreed in his favour and permanent injunction has been granted as against the second respondent with regard to the shop in No.J239. The second respondent challenged the decree by filing an appeal before the III Additional Sub Court, Madurai, in AS.No.19 of 2019 and the same was dismissed. In the meantime, the second respondent himself has filed a suit in OS.No.159 of 2016 before the Principal District Munsif Court, Madurai. It was dismissed on 01.04.2022 and the appeal preferred by the second



respondent as against the same in AS.No.41 of 2022 before the Sub Court, Madurai, was also dismissed on 19.11.2024. As against the dismissal of his appeal suits, the second respondent has filed second appeals before this Court in SA(MD)Nos.391 of 2023 and 158 of 2025. Both the second appeals were disposed of as under:-

“19. At this juncture, in view of the advice of the learned counsel for the appellant, a better sense prevailed, and the plaintiff has also now agreed that he will give up his claim and be satisfied if the defendants 1 and 2 come forward to execute the sale deed in his favour also within the time frame in respect of the shop No.K268, for which allotment was made in his favour. To this aspect, the learned standing counsel for the defendants 1 and 2, on instructions from the officers who are present before this court, submits that immediately within four weeks from the date of disposal of these second appeals, they will execute the sale deed in favour of the plaintiff in respect of shop No.K268.”

3.Even then, the second respondent is interfering with his possession and therefore, the petitioner has approached this Court seeking police protection.



4.Learned Counsel for the petitioner, by referring to the judgment and decree granted in favour of the petitioner and by referring the Government Order in G.O.Ms.No.1580, Home Department, dated 24.11.2008, sought for police protection.

5.Considering the decree passed by the civil Court in favour of the petitioner, this Court was about to allow this application. At that time, the learned Counsel for the second respondent submitted that the second respondent was not interfering with the possession of the petitioner with regard to Shop No.J239, however, he reserves his right for the Shop No.K268, that it has been allotted to him.

6.Considering this submission of the learned Counsel for the second respondent, this Court directed the second respondent to file an affidavit of undertaking to that effect. Accordingly, the second respondent has filed an affidavit as under:-

“The 2nd respondent continues to be in possession of the Shop No.K268 allotted to him and the 2nd respondent is hereby undertakes



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that he will not disturb the possession of the petitioner in respect of Shop No.J239. To that effect, the 2nd respondent herein is filing this undertaking affidavit."

7.In view of the affidavit of undertaking, this criminal original petition stands disposed of with a direction to the second respondent not to interfere with the possession of the petitioner with regard to the Shop No.J239. In the event if the second respondent continues to interfere with the same, it is the responsibility of the first respondent Police to provide appropriate protection as per G.O.Ms.No.1580, Home Department, dated 24.11.2008 and also to take necessary action as against the second respondent.

Internet : Yes
gk

26.08.2025

To

1.The Inspector of Police,
E-3 Anna Nagar Police Station,
Madurai City.



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B.PUGALENDHI, J.

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

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