

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.281 of 2016

V.Loganathan

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sriperumpudhur,
Kancheepuram District.

3.The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.

4.The Sub-Inspector of Police,
C-4, Somangalam Police Station,
Kancheepuram District.

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents to provide police protection to the petitioner, his family and the property at S.No.18/20, Pudhuper Village, Sriperumpudhur Taluk, Kancheepuram District to an extent of 75 cents at the cost of the petitioner by considering the representation of the petitioner dated 29.12.2015.

For Petitioner : Mr.K.Suthan

For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate(crl.side)

O R D E R

This criminal original petition is filed praying to direct the respondents to provide police protection to the petitioner, his family and his property at S.No.18/20, Pudhuper Village, Sriperumpudhur Taluk, Kancheepuram District, measuring

to an extent of 75 cents, at his cost by considering his representation dated 29.12.2015.

2.The case of the petitioner is that the petitioner is residing at No.10, Perumal Koil Street, Pudhuper Village, Sriperumpudhur Taluk, Kancheepuram District. The property comprised in S.No.18/20 situated at Pudhuper Village, Sriperumpudhur Taluk, Kancheepuram District, measuring to an extent of 75 cents, is an ancestral property of the petitioner and his family. They have been in possession and enjoyment of the same. One Vasantha, Srinivasan, Lakshmi, Naaliyappan, Gopi and Veerinder Seevi had created spurious documents pertaining to the very same property and attempted to grab the same. Hence, the petitioner lodged a complaint with the first respondent on 19.12.2015. Further, the petitioner has filed a suit in O.S.No.516 of 2015 on the file of the Principal District Judge, Kancheepuram challenging the documents created by the counter petitioners and for consequential reliefs. Having known the said fact, the counter petitioners attempted to dis-possess the family of the petitioner forcibly by illegal means. On 25.12.2015, the counter petitioners along with their hench-men attempted to enter into the petitioner's property with JCB to throw the petitioner and his family members out of the property. Hence, the petitioner lodged a complaint to the fourth respondent. But, no action was taken so far. Again, on 29.12.2015, the counter petitioners along with more than 20 unknown persons came to the petitioner's property, destructed the thatched huts and thrown away the cattle inside the petitioner's property and also attempted to take possession of the property illegally. When it was questioned by the petitioner, the counter petitioners threatened him with deadly weapons. Hence, the petitioner lodged a complaint with the fourth respondent. But till date no action was taken. Therefore, the petitioner had sent a detailed representation to the respondents herein on 29.12.2015 seeking police protection. Since no action was taken by the respondents, the petitioner has come forward with the present criminal original petition.

3.The learned Government Advocate(crl.side) submitted that since the civil suit in O.S.No.516 of 2015 is pending between the parties, the respondents-police cannot give any police protection.

4.The learned counsel appearing for the petitioner and the learned Government Advocate(crl.side) appearing for the respondents and also perused the materials available on records.

5.Considering the submissions made on either side, I find that no tangible proof was produced by the petitioner in support of his contention warranting the police to give protection. Further, when the civil suit in O.S.No.516 of 2015

is pending between the parties, I am not inclined to give a direction to provide police protection as prayed for by the petitioner. Hence, this criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

ari

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The District Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 2.The Deputy Superintendent of Police,
Sriperumpudhur,
Kancheepuram District.
- 3.The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
- 4.The Sub-Inspector of Police,
C-4, Somangalam Police Station,
Kancheepuram District.
- 5.The Public Prosecutor,
High Court, Madras.

KR/4/2/16

सत्यमेव जयते

Cr1.O.P.No.281 of 2016

WEB COPY