

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.8297 of 2017

Ganesan

... Petitioner

Vs

1.The Superintendent of Police,
Kancheepuram District.

2.The Inspector of Police,
***Chengalpattu Taluk Police Station,**
Thiruporur, Kancheepuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to give police protection to the petitioner to live in the residential property bearing No.W.2/13/195, Nehru Nagar, No.230, Vallam Village, Thiruporur Koot Road, Chengalpattu Taluk, Kancheepuram District in a peaceful manner.

For Petitioner : Mr.Hasan Mohammed Jinnah

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to provide police protection to the petitioner to live in the residential property bearing No.W.2/13/195, Nehru Nagar, No.230, Vallam Village, Thiruporur Koot Road, Chengalpattu Taluk, Kancheepuram District in a peaceful manner, in compliance with the law declared by this Court in Radhika Sri Hari Case (2014 (2) CTC 695).

2.It is the case of the petitioner that the petitioner's mother was allotted the subject property and she

was in absolute occupation and enjoyment of the same and after the demise of his mother, the petitioner inherited the said property. While so, one Mahalingam and Ammakannu are trying to interfere with the peaceful possession and occupation of the said property by the petitioner. The petitioner had also obtained an order of permanent injunction from the District Munsif, Chengalpattu in O.S.No.288 of 1999 by order dated 13.02.2007. Even after obtaining decree from the Trial Court, the said persons are threatening the petitioner with dire consequences, and therefore the petitioner is not able to live in the said property. The petitioner lodged a complaint to the respondents on 15.04.2017 seeking protection, for which no action is forthcoming. Hence this Criminal Original Petition.

3. Learned counsel appearing for the petitioner submitted that even after obtaining an order from the Trial Court the said Mahalingam and Ammakannu are continuously giving trouble to the petitioner and hence, on the strength of the order passed by the Court, he requested the respondent police to give police protection to him and his family. Learned counsel appearing for the petitioner further submitted that in identical situation, this Court, in the case of Radhika Sri Hari and another v. Commissioner of Police reported in 2014 (2) CTC 695, has held that the petitioner in that case would be entitled to police protection as prayer for. Thus, he sought for similar direction in this petition also.

4. On the above submissions, I have heard also the learned Additional Public Prosecutor and perused the entire materials available on record.

5. In the decision reported in 2014 (2) CTC 695 - Radhika Sri Hari and another v. Commissioner of Police, in paras 7 and 8, this Court has held as follows:-

" 7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008

dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

8. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner. "

Hence, as per the Guideline 11 issued by the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.6.2008, when police protection is sought for, for the implementation of a civil court order, it should be given readily. In the instant case also, the petitioner has obtained an order in his favour from the Trial Court and the same is now in force. Hence, based on the said order, the petitioner is entitled to get police protection for his life and property.

6. In the result, the criminal original petition is allowed and the respondent police is directed to provide adequate police protection to the petitioner's life and property, as and when required by him. However, the same will be at the cost of the petitioner.

Sd/-

Asst.Registrar (CCC)

Dated:04/05/2017

*Amended order as per
order of this Court
dated 24/05/2017

in Crl.M.P.No.6668/2017

in Crl.O.P.No.8297/2017

Sd/-

Assistant Registrar (CS-II)

Dated:26/05/2017

/true copy/

Sub Asst. Registrar

KM

To

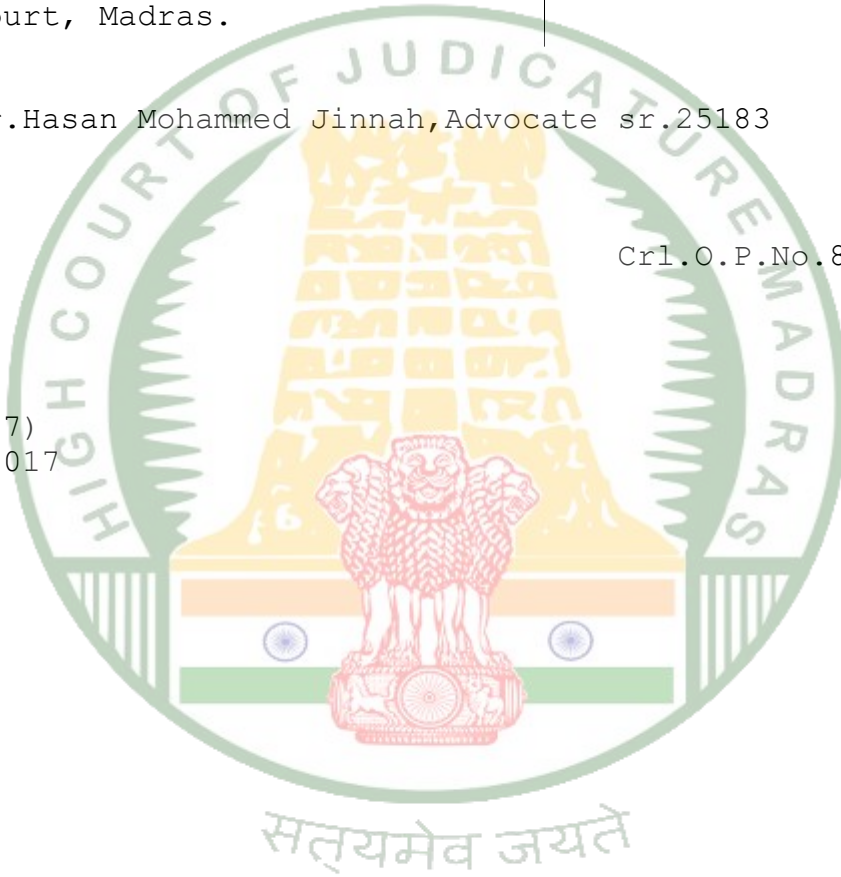
- 1.The Superintendent of Police,
Kancheepuram District.
- 2.The Inspector of Police,
***Chengalpattu Taluk Police Station,**
Thiruporur, Kancheepuram District.
- 3.The Public Prosecutor,
High Court, Madras.

To be substituted the
order already despatched
on 18/05/2017

+lcc to Mr.Hasan Mohammed Jinnah,Advocate sr.25183

Cr1.O.P.No.8297 of 2017

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eu 26/05/2017



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