IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2017

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.25790 of 2016

A.Mani @ Velankanni .. Petitioner

Vs.

State rep.by
1.The Commissioner of Police,
Greater Chennai,
Chennai.

2.The Inspector of Police,
V-4, Rajamangalam Police Station,
Kolathur,
Chennai - 600 099. .. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondents to provide adequate police protection as per CSR No.417 of 2016 to avoid untoward incident.

For Petitioner :Mr.R.Anand Kumar
For Respondents :Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents to provide adequate police protection as per CSR No.417 of 2016 so as to avoid untoward incident.

2. The case of the petitioner is that the suit in O.S.No.6495/2015 filed by the petitioner was decreed in terms of the joint compromise memo dated 05.11.2015 entered into between the parties. Pursuant to the same, he was going to raise a compound wall on 08.11.2016, which was opposed by one Maheshwari, who is the owner of the suit schedule property, stating that after speaking to her brother-in-law Paranthaman, the same could have been done. Accordingly, the petitioner had discussion with the said Paranthaman, who in turn pressurised him to buy a vacant plot adjacent to the petitioner's property, failing which, he will not be allowed to put up any construction. Hence, he made a complaint to the second respondent dated 10.11.2016, which was received vide CSR No.417 of 2016. However, till date, no action was taken by the second respondent. Therefore, the petitioner has no other option except

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to approach this Court with the present petition for the aforesaid relief.

3. Learned counsel for the petitioner submitted that despite the compromise entered into between the parties and the suit having been decreed on the basis of the same, the said Paranathaman has restrained the petitioner from constructing a compound wall, which causes undue hardship to the petitioner. Therefore, he lodged a complaint to the second respondent to provide police protection for construction of compound wall and the same is pending, without any progress. Learned counsel 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

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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 a decree from the competent civil Court, on the basis of the joint compromise memo, as per which, he is entitled to develop the compound wall. Therefore, following the decision of this Court (cited supra), the petitioner herein is entitled to get police protection for construction of compound wall on his property.

6. In the result, the criminal original petition is allowed and the second respondent police is directed to provide adequate police protection to the petitioner for a period of three weeks from the date of receipt of a copy of this order to enable him to construct compound wall on his property. However, the same will be at the cost of the petitioner.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police,
Greater Chennai,
Chennai.

2.The Inspector of Police,
V-4, Rajamangalam Police Station,
Kolathur,
Chennai - 600 099.

3.The Public Prosecutor,
High Court, Madras-104.

+1 cc to M/s.R.Anand Kumar,advocate,sr.2935.

srd(co)
krd 27/1

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