

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2017

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THE HONOURABLE MR. **JUSTICE R.MAHADEVAN**

Crl.O.P.No.7259 of 2017

D.Dhamodaran

... Petitioner

Vs

1.State rep.by

The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007.

2.State rep.by

The Inspector of Police (L&O),
Avadi Police Station,
Avadi, Chennai.

... Respondents

Petition filed under Section 482 Cr.P.C. to direct the second respondent to give police protection to the petitioner and his family members on the basis of the representation sent by the petitioner to the first and second respondents on 03.04.2017 in accordance with law.

For Petitioner : Mr.S.V.S.Ilamvazhuthi

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 and his family members on the basis of the representation sent by the petitioner to the first and second respondents on 03.04.2017, in accordance with law.

2.It is the case of the petitioner that he purchased the property situated at Sekkadu Village in S.No.179, Plot No.6/1, measuring about 4595 sq.ft.from one Devasagayam under a deed of sale dated 23.04.2007 and registered as Doc.No.6010 of 2007 in the office of the Sub Registrar, Kundrathur. Ever since the date of purchase, he has been occupying and enjoying the same along with his father P.Dheenadayalan as its true and absolute owner. In the year 2008, in order to grab his property, one Chokkalingam and others, along with rowdy elements tried to enter into his property illegally. When the petitioner tried to construct a compound wall, the same was prevented by them. The petitioner filed a suit in O.S.No.100 of 2008 before the Additional District Munsif Court at Poonamallee seeking permanent injunction against them and the same was decreed in his favour on 08.08.2008. Even then, he was not able to construct the compound

wall, as the said persons are continuously giving trouble to him. Hence, he lodged a police complaint on 30.01.2014. Since there was no action, he sent a representation to the respondents 1 and 2 on 03.04.2017 by way of Registered Post for taking action against the said persons. Since no action has been taken on his representation, and further the said persons are continuously threatening the petitioner, the petitioner has come up with the present Criminal Original Petition.

3.The learned counsel appearing for the petitioner submitted that even after obtaining permanent injunction in favour of the petitioner, the accused have been continuously giving trouble to the petitioner and hence, on the strength of permanent injunction, he requested the respondent police to give police protection to put up a compound wall around his property. The 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 also heard 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 paragraphs 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 permanent injunction in his favour from the competent civil Court and the same is now in force. Hence, based on the said order, the petitioner is entitled to get police protection to put up a compound wall around his property.

6.In the result, the criminal original petition is disposed of

directing the respondent police 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 put up compound wall around his property. However, the same will be at the cost of the petitioner.

13.04.2017

Index : Yes/No
Internet : Yes/No

To

- 1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007.
- 2.The Inspector of Police (L&O),
Avadi Police Station,
Avadi, Chennai.
- 3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

R.MAHADEVAN, J.

KM

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