

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.20708 of 2018

M.S.Ashokan

... Petitioner

Vs.

1. The Inspector of Police  
Suramangalam Police Station,  
Salem - 636 005.

2. R.Sundhandrarajan

3. Selvi

4. TamilSelvi

5. C.Manokaran

6. A.Kanagaraj

7. Ravikumar

8. Praveen

....Respondents

[R2 to R8 are impleaded as per the order of this Court,  
dated 31.08.2018 made in Crl.MP.No.11579/2018 in  
Crl.OP.No.20708/2018]

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent police to grant police protection to the petitioner for erecting fence around the suit property of the petitioner based on the complaint given by the petitioner dated 11.08.2018.

For Petitioner : Mr.SP.Yuaraaj

For R1 : Mr.C.Raghavan  
Government Advocate (Crl.Side)

For R2 to R8 : Mr. K.P.M.Shankar

## ORDER

This Criminal Original Petition has been filed seeking for Police protection to the petitioner for erecting fence around the suit property.

2. The learned counsel for the petitioner would submit that the property belongs to the petitioner and the respondents 2 to 8 are preventing the petitioner from putting a fence in the property and they are also causing threat to the petitioner.

3. The learned counsel for the respondents 2 to 8 would submit that the suit was filed in O.S.NO.818 of 2010 before the II Additional District Munsiff, Salem, for permanent injunction and the same was pending. Subsequently, in the year 2018, it was dismissed for default and a petition has been filed to restore the suit and the same is pending before the concerned Court.

4. The learned counsel for the respondents 2 to 8 would further submit that the petitioner does not have any right over the property and the property has been earmarked as park. Therefore, the learned counsel for the respondents 2 to 8 would submit that in the guise of getting a police protection, the petitioner is attempting to grab the property.

5. In the facts and circumstances of the case, this Court is not inclined to grant the relief as sought for by the petitioner. The dispute with regard to nature of the property is pending before the competent Civil Court in O.S.No.818 of 2010 and already a petition has been filed for restoration of the suit by the respondents 2 to 8. Till the right over the property is decided by the competent Court, the respondent police cannot get into the issue and give police protection.

6. In the result, this Criminal Original Petition is dismissed and it is left open to the petitioner to proceed for appropriate relief in the pending suit.

Sd/-  
Assistant Registrar(CS- IX)

//True Copy//

Sub Assistant Registrar

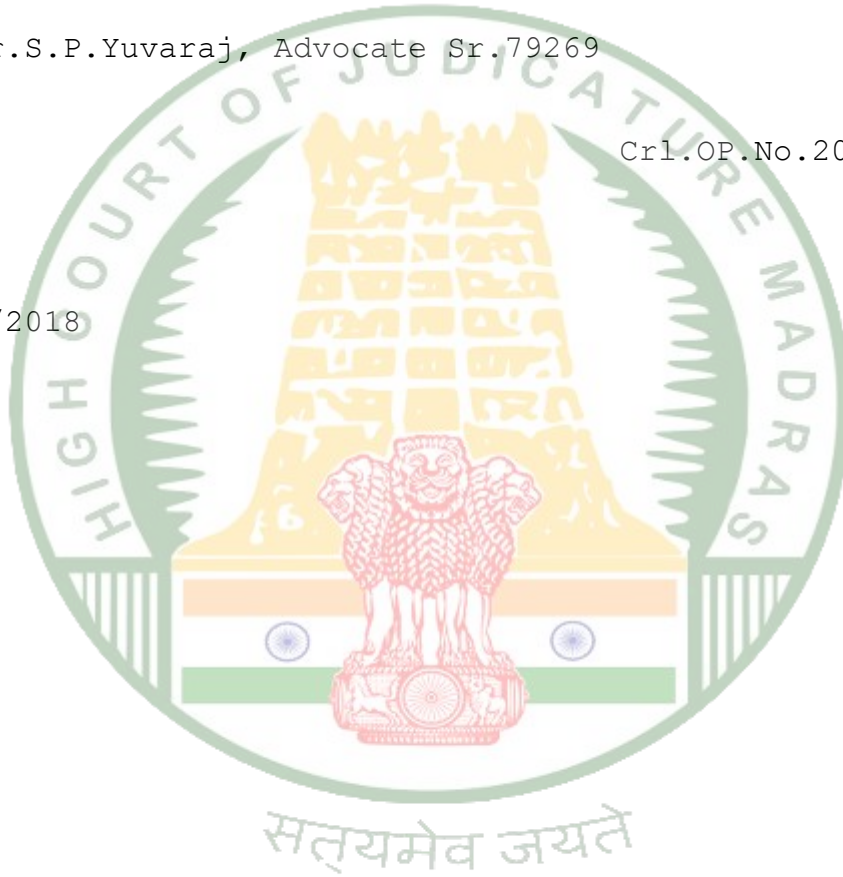
To

1. The Inspector of Police  
Suramangalam Police Station,  
Salem - 636 005.
2. The Public Prosecutor,  
Madras High Court,  
Madras.

+1cc to Mr.S.P.Yuvaraj, Advocate Sr.79269

Cr1.OP.No.20708 of 2018

BS (CO)  
srg 14/12/2018



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