

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.22695 of 2018

P.Goverthan

... Petitioner/Accused

Vs.

1.The Commissioner of Police,
(Greater Chennai)
Commissioner Office,
Vepery,
Chennai.

2.The Inspector of Police,
J-8, Neelankarai Police Station,
Neelankarai,
Chennai.

3.V.G.Santhosam
S/o Late Gnanathiraviam

4.Mr.Rajadas ... Respondents/Complainant

(3rd and 4th respondents are impleaded as
per the order of this Court dated 31.10.2018
made in CrI.M.P.No.14509 of 2018)

Prayer: This Criminal Original Petition filed under Section 482
Cr.P.C. to direct the respondents to give police protection to
enter the petitioner land peacefully and further to investigate
and take action against alleged person in CSR No.208 of 2018.

For Petitioner : Mr.Infant Dinesh

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 and R2.

ORDER

This Criminal Original Petition has been filed seeking for
police protection from the respondent Police and also to take
investigation on the complaint given by the petitioner which is
pending in CSR No.208 of 2018.

2.A reading of the entire complaint along with the materials placed on record, shows that certain named persons/Company is interfering with the peaceful possession and enjoyment of the property of the petitioner. Earlier, the vendor of this petitioner also faced the same problem and he had given a complaint before the respondent Police and the same was investigated and a final report was also filed. However, the final report came to be quashed before this Court. Thereafter, this petitioner has purchased the property and the petitioner is also facing the same problem which was faced by the vendor of this petitioner.

3.The petitioner is aware about the persons who are attempting to interfere with the peaceful possession and enjoyment of the property. If the petitioner is sure about his right and title over the property, the petitioner has to file a suit before the appropriate Civil Court seeking for injunction against the persons who are attempting to interfere with his peaceful possession and enjoyment of the property. In cases of this nature, the police will have no role to play. The petitioner has to necessarily agitate his right before the competent Civil Court.

4.If the complaint given by the petitioner is not taken on file, the petitioner has to work out his remedy in accordance with the judgment of the Hon'ble Division Bench of this Court in CrI.OP(MD)No.13681 of 2018 and a batch of cases, dated 20.09.2018.

5.In view of the above, this Court is not in a position to grant the relief as sought for by the petitioner and hence, this Criminal Original Petition is dismissed, by giving liberty to the petitioner to workout his remedy before the appropriate Civil Court in accordance with law.

सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
(Greater Chennai)
Commissioner Office,
Vepery,
Chennai.

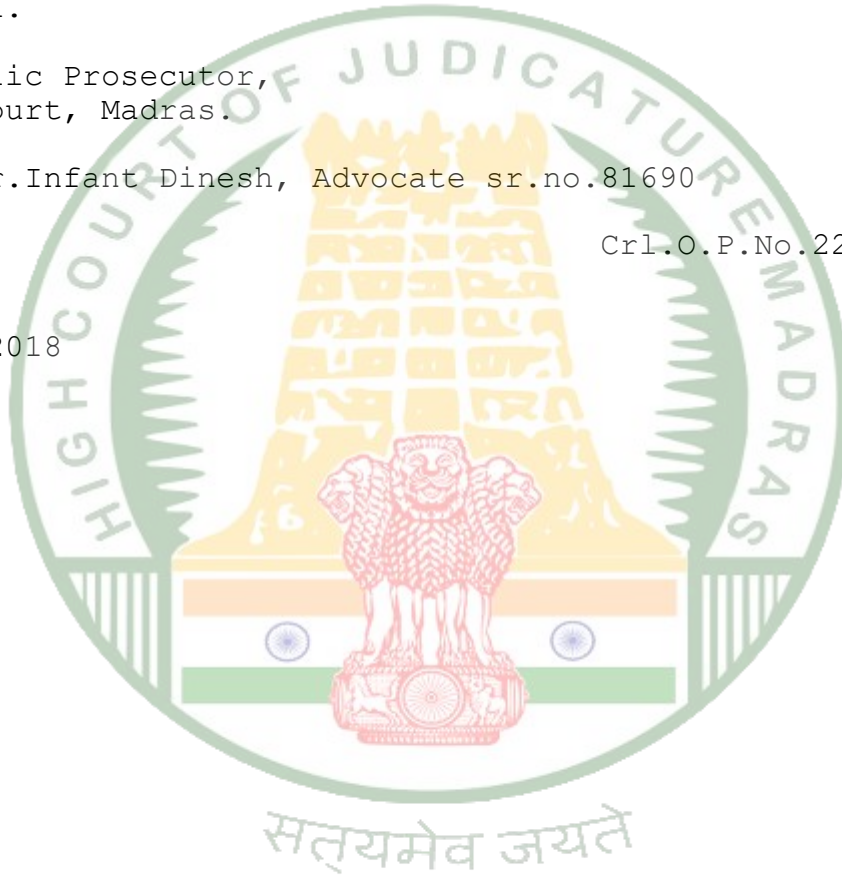
2.The Inspector of Police,
J-8, Neelankarai Police Station,
Neelankarai,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Infant Dinesh, Advocate sr.no.81690

Crl.O.P.No.22695 of 2018

bs(co)
nr 14/12/2018



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