

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.09.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.22091 of 2018

G.C.Ramasamy

...Petitioner

Vs

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Sub Inspector of Police,
Sipcot Police Station,
Hosur, Krishnagiri District. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of CrI.P.C., to direct the respondents to give police protection to the petitioner till a reasonable time in order to safeguard the life and limb of the petitioner from the above said persons as per the complaint dated 31.08.2018.

For Petitioner : Mrs.R.Aparna
For Respondents : Mr. C.Raghavan(Criminal Side)
Government Advocate

ORDER

This petition has been filed by the petitioner to direct the respondents to provide police protection to the petitioner based on the complaint given by the petitioner dated 31.08.2018.

2. The learned counsel for the petitioner has submitted that the petitioner is the Power of Attorney of one Mr.Yellappa and others and the said Yellappa and others have already filed a Suit in O.S.No.298 of 2004 on the file of the District Munsif Court, Hosur, Krishnagiri District for declaration and permanent injunction against one Rajendran and others and in that suit a decree was already granted. She further submitted that even after passing such a decree, the said Rajendran and others not allowing the original owners to enjoy the said property and also criminally intimidating them and hence the petitioner, being the Power Agent, has lodged a complaint before the second respondent on 31.08.2018 seeking police protection, but so far, no action has been taken by the respondents.

3. The learned Government Advocate(Criminal Side) has submitted that, since the dispute is with regard to the properties, the petitioner may be directed to approach the Civil Court and get appropriate remedy.

4. According to the petitioner, he is a Power Agent and his Principals have already filed a suit in O.S.No. 298 of 2004 on the file of the District Munsif Court, Hosur, Krishnagiri District and got decree for the relief of declaration and permanent injunction. If the defendants in that suit have not obeyed the decree passed by the Court, it is open to the decreeholders to file an Execution Petition by invoking the provision of Order 21 Rule 31 C.P.C and at the time of executing the said decree if the decreeholders face any difficulty for executing the same, the decreeholders can very well file a petition before the same Civil Court, seeking direction for police protection to enforce the decree. When the petitioner is having adequate and alternative remedy before the Civil Court itself, without exhausting the same, he cannot approach this Court by filing petition under Section 482 Cr.P.C. Therefore this petition is liable to be dismissed.

5. With the aforesaid observations, this Criminal Original Petition is dismissed.

Sd/-/-

Assistant Registrar(CS vii)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Sub Inspector of Police,
Sipcot Police Station,
Hosur, Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

Cr1.O.P.No.22091 of 2018