

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25261 of 2017

K.Devi

... Petitioner

Vs.

1.State rep by its.

The Inspector of Police,
Kanagammachatram Police Station,
Thiruvallur District.

2.K.Jayapal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent police to provide necessary police protection to the petitioner's property of vacant land measuring an extent of 57 cents in survey No.138 and comprised in patta No.2035 situated at in Kaverirajapuram Village, Thiruttani Taluk, Thiruvallur District.

For Petitioner : Mr.D.Dayalan

For Respondent 1 : Mrs.P.Kritika Kamal
Government Advocate (Crl. Side)

For Respondent 2 : Mr.B.Thirumalai

ORDER

This petition has been filed by the petitioner seeking to direct the first respondent police to provide necessary police protection to the petitioner's property of vacant land measuring an extent of 57 cents in survey No.138 and comprised in patta No.2035 situated at in Kaverirajapuram Village, Thiruttani Taluk, Thiruvallur District.

2. In connection with the civil dispute, the present petitioner claims that he gave a representation to the first respondent on 06.11.2017 seeking protection.

3. Today when the matter was called, the learned Government Advocate (Crl. side) submitted that such a representation has not been received by the first respondent, Inspector of Police, Kanagammachatram Police Station, Thiruvallur District.

4. However, the learned counsel for the petitioner submits that in view of dispute between the petitioner and the second respondent herein, the protection is imminent. In my view, the decision as to whether the protection has to be extended to the petitioner or not is within the domain of the respondent police and it would not be appropriate for this Court to step into the shoes of the respondent police to decide as regards the decision. As such, it would be appropriate to refer the parties to the first respondent for the purpose of conducting enquiry and take the decision thereof.

5. Accordingly, the petitioner is granted liberty to make a fresh representation, seeking for necessary protection and on receipt of the same, the first respondent shall conduct enquiry, by giving due opportunity to the petitioner as well as the second respondent namely, K. Jayapal and any other interested persons in the dispute and pass appropriate orders in accordance with law. Such exercise shall be completed within a period six weeks from the date of receipt of a copy of this Order.

6. With the above observation, the Criminal Original petition stands Disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nl

To

1.The Inspector of Police,
Kanagammachatram Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Dayalan, Advocate, S.R.No.8283
+1cc to Mr.B.Thirumalai, Advocate, S.R.No.8315

Cr1.O.P.No.25261 of 2017

NRJK(CO)
RRK(21/02/2018)