

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28746 of 2017

M.Kannan

... Petitioner

Vs.

1.The Superintendent of Police,
Ariyalur District,
Ariyalur.

2.The Deputy Superintendent of Police,
Jayamkondam Range,
Ariyalur District.

3.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.

4.Shankar

.... Respondents

(R4 is impleaded as per the order
of this Court dated 02.02.2018 made
in Crl.M.P.No.1142 of 2018 in
Crl.O.P.No.28746/2017)

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction, directing the respondents to give police protection to the petitioner and his family members to live his house situated at Ambayur Revenue Village, Vikramangalam Village, in the Main Road Leading to Sivan Temple Ariyalur District, to secure the ends of justice.

For Petitioner

: Mr.S.Mahaveer Shivaji
for Mr.R.Srinivasan

For Respondents

: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 to R3
M/s.Usha Ramman for R4

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent Police to give Police Protection to the petitioner and his family members to live in his house situated at Ambayur Revenue Village, Vikramangalam Village, in the Main Road leading to Sivan Temple, Ariyalur District.

2.It is seen from the allegations made in the petition that the petitioner is restrained by the fourth respondent from enjoying his property. The learned counsel for the petitioner would submit that in spite of the petitioner being the owner of the property and orders being passed by the Revenue Officials, the petitioner is not able to get into his house and reside therein. The learned counsel for the petitioner would further submit that based on the complaint given by the petitioner, the respondent have also registered an FIR in Crime No.242 of 2017. The learned counsel for the petitioner, therefore, submitted that a representation to the respondent Police seeking for police protection. Since no action has been taken, the present petition has been filed before this Court.

3.The learned counsel for the fourth respondent would submit that there is already a suit in O.S.No.85 of 2015 that has been filed and the same is pending before the District Munsif Court, Jayamkondam, wherein the petitioner had sought for the relief of permanent injunction against the fourth respondent, by restraining the fourth respondent from interfering with his peaceful possession and enjoyment of the property. While the said suit is pending, the petitioner has come before this Court seeking for police protection. Therefore, the learned counsel for the fourth respondent would submit that such relief sought for by the petitioner is not maintainable.

4.This Court has carefully considered the submissions made on either side.

5.Admittedly in this case, there is a civil suit pending in O.S.No.85 of 2015, on the file of the District Munsif Court, Jayamkondam, wherein the petitioner had sought for the relief of permanent injunction against the fourth respondent.

6.Therefore, there is an inter se dispute with regard to right over the property and the same has to be decided only by the competent Court. The petitioner cannot seek for parallel police protection before this Court and the respondent Police will have no role to play in cases of this nature. If there is already an FIR pending against the fourth respondent, it is for the police to take appropriate action in accordance with law and

that will not clothe the police the power to interfere with the property dispute.

7. Accordingly this Criminal Original Petition is dismissed with liberty to the petitioner to work out his remedy before the appropriate Court where the suit in O.S.No.85 of 2015, is pending.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Ariyalur District,
Ariyalur.
 - 2.The Deputy Superintendent of Police,
Jayamkondam Range,
Ariyalur District.
 - 3.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.Usha Raman, Advocate, S.R.No.83224

Crl.O.P.No.28746 of 2017

GSP(14/12/2018)

सत्यमेव जयते

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