

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.23490 of 2018

Deepak Gosamy

.. Petitioner

Vs

1. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.

2. S. Kalyana Sundaram .. Respondents 1 & 2

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st Respondent to give Police Protection based on the Petitioner's complaint dated 25.09.2018.

For Petitioner : Mr.K.G.Senthil Kumar

For R1 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

This petition has been filed seeking for police protection.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.2916 of 2018 before the 1st Assistant Judge, City Civil Court, Chennai. In the said suit, the petitioner has filed I.A.No.7258 of 2018, seeking for interim injunction restraining the defendant from interfering the peaceful possession and enjoyment of the petitioner's property. The Court below has also granted an order of injunction in favour of the petitioner by an order dated 29.06.2018.

3. The learned counsel for the petitioner would submit that in spite of the interim order passed, the 2nd respondent is continuously interfering with the possession and enjoyment of the petitioner and he is causing threat to the petitioner and therefore, the petitioner gave a complaint to the respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

5. The petitioner in this case has admittedly obtained an order of injunction against the 2nd respondent. The 2nd respondent is continuously interfering the possession and enjoyment of the petitioner. The petitioner has to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction is given by the competent Civil Court.

6. In view of the above, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to workout his remedy before the Court below in the manner indicated herein above.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr/vv2

To

1. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.G.Senthilkumar, Advocate Sr.79767

Cr1.O.P.No.23490 of 2018

vg ii[co]
srg 19/12/2018