

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.23598 of 2018

Chinraj

.. Petitioner

Vs

1. The Inspector of Police,
Kondalampatti Police Station,
Salem District.

2. M.Suriyan @ Perumal

3. M.Manickkam

4. Settu @ Marimuthu

5. Chandran

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to directing the 1st respondent herein to provide police protection to the petitioner and their men while erecting fence around the property comprised in SF.53/3, 52/3, 52/4 AT Thammanaickenpatti Village, Salem District by considering the representation of the petitioner herein dated 28.08.2018.

For Petitioner : Mr.R.Nalliyappan

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

For R2 to R5 : Mr.K.Selvaraj

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.92 of 2012 before the I Additional District Munsif Court, Salem. In the said suit, the petitioner has filed I.A.No.184 of 2012, 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.

3. The learned counsel for the petitioner would submit that in spite of the interim order passed, the respondents 2 to 5 is continuously interfering 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 respondents 2 to 5. The respondents 2 to 5 are 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 a 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)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

ssr/vv2

To

1. The Inspector of Police,
Kondalampatti Police Station,
Salem District.
 2. The Public Prosecutor,
High Court, Madras.
- +1 cc to M/s.K.Selvaraj, Advocate SR No.79736

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VG-II (co)
SSM (18/12/2018)