

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.24336 of 2018

S.Valarmathi

...Petitioner

Vs.

1. The Superintendent of Police,
Chinna Ekkadu, Jaya Nagar,
Thiruvallore District,
Thiruvallore.

2. The Inspector of Police,
UKT Police Station,
Uthukottai Town & Taluk,
Thiruvallur District -602 026

3. Raman @ Ramu

...
Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent police to give adequate Police Protection to the petitioner to enjoy the property peacefully situated at Uthukottai Taluk, Thiruvallur District in Patta No.531 comprised in Survey No.94/2H1B2 at of an extent of Acre 2.00 from out of Acre 7.65 on the Western portion.

For Petitioner : Mr.G.Ilamurugu

For R1 & R2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R3 : Mr.Ravichandran Sundaresan
R.Karthikeyan

O R D E R

This petition has been filed seeking for police protection to the petitioner to carry on the agricultural activities in the land belonging to the petitioner.

2 The learned counsel for the petitioner would submit that there is already a Civil Court decree passed in favour of the petitioner in O.S.No. 4 of 2016, by Judgment dated 12.09.2017. The learned counsel would submit that in spite of the decree for permanent injunction, passed against the 3rd respondent, the 3rd respondent continuous to interfere with the possession and enjoyment of the petitioner and is preventing the petitioner from carrying on with the agricultural activities.

3 The learned counsel for the 3rd respondent would submit that only an ex-parte Decree was passed in favour of the petitioner and the 3rd respondent has now filed a petition to set aside the ex-parte decree. That apart the 3rd respondent has also filed an independent suit in O.S.No.47 of 2015 before the District Munsif cum Judicial Magistrate, Uthukottai against the petitioner. Therefore, the learned counsel for the 3rd respondent would submit that the dispute in question cannot be interfered by the Police.

4 This Court has carefully considered the submissions made on either side. The property in question is an agricultural land. There is an ex-parte decree passed in favour of the petitioner and the 3rd respondent has already filed an application to set aside the ex-parte decree and the same is pending before the Court below. That apart the respondent has also filed an independent suit against petitioner in O.S.No. 47 of 2015. In a case of this nature, this Court has to be very careful while considering granting of police protection, since the inter-se dispute between the parties is yet to come to an end before the Civil Court. If any police protection is granted at this stage, it will amount to leaning in favour of one party to the prejudice of the other.

5 This Court is of the considered view that the relief as sought for by the petitioner cannot be granted.

6 This Criminal Original Petition is disposed of by giving liberty to the petitioner to file an appropriate petition before the concerned Court to execute the ex-parte decree passed in favour of the petitioner. In the said execution Court, the petitioner is also entitled to seek for police protection. By resorting to this process, at least the parties will be called upon to put forth their submissions and the Court below will have an opportunity to see if really the ex-parte decree has been violated by the 3rd respondent. This excise obviously

cannot be done by the respondent police. The petitioner shall workout her remedy in the manner indicated herein above.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

1. The Superintendent of Police,
Chinna Ekkadu, Jaya Nagar,
Thiruvallore District,
Thiruvallore.
2. The Inspector of Police,
UKT Police Station,
Uthukottai Town & Taluk,
Thiruvallur District -602 026
3. The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.86405

Cr1.O.P.No.24336 of 2018

EV(CO)
CS/28/01/2019

सत्यमेव जयते

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