

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24734 of 2018

Karthik

.. Petitioner

Vs

The Inspector of Police L & O,
Korattur Police Station,
Korattur.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent herein to provide necessary protection against any illegal trespass and occupancy in respect of the property situated in Survey No.687/4B, Korattur Village bearing Plot No.2 in the interest of justice.

For Petitioner : Mr.C.Rajan
For Respondent : Mr.C.Raghavan,
Government Advocate

O R D E R

It is the case of the petitioner that he is the owner of 4,683 sq.ft of land in Survey No.678/4B part, Kallikuppam Village, Ambattur Taluk, that the petitioner's father having purchased the same from one Mary on 06.09.2006 by document No.3390 of 2006. While so, it is the allegation of the petitioner that, one Mettu Jayasankar is attempting to encroach to the property and therefore, the petitioner's father had filed O.S.No.193 of 2008 before the District Munsif Court, Ambattur and has obtained an order interim injunction in IA.No.645 of 2008 on 09.04.2008. Under such circumstances, the petitioner's father died on 08.06.2016, leaving behind the petitioner and others as legal heirs. Now, it is the allegation of the petitioner that the said Mettu Jayasankar is attempting to put up an unauthorised construction in the said plot and therefore, the petitioner has given a representation to the Police and has thereafter, filed present petition for Police Protection.

2.Heard Mr.Sathiamurthy, learned counsel for the

petitioner and the learned Additional Public Prosecutor.

3.The learned Government Advocate on instructions, submitted that on the complaint given by one K.Murugesan, a regular FIR has been registered against this petitioner in Crime No.905 of 2018 on 20.09.2018 for the offences under Section 294 (b), 448, 427 and 506(2) IPC and the petitioner was arrested and released on bail.

4.However, Mr.Sathiamurthy contended that enquiry conducted by the Revenue Authorities shows otherwise.

5.This Court gave its anxious consideration to the rival submissions. The fact remains that the petitioner is an accused in Crime No.905 of 2018 and the Police investigation is pending. The police may or may not agree with the Report of the Revenue Authorities, since the same is not binding on the Police.

6.In such view of the matter, no Police protection can be granted to the accused in a petition under Section 482 Cr.P.C as that would prejudice not only the ongoing Police investigation, but would also prejudice the pending suit before the Civil Court.

Hence, this Petition is closed with liberty to the petitioner to workout his remedies in the manner known to law.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

dua/gya

To

1.The Inspector of Police L & O,
Korattur Police Station,
Korattur.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.C.Raghavan, Advocate, S.R.No. 74257

CRL.OP.No.24734 of 2018

PP (CO)
GN(26/11/2018)