

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26293 of 2018

Sreelatha Divakar

...Petitioner

Versus

Inspector of Police,
Korattur Police Station,
Korattur.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent herein to provide necessary Police protection against any illegal trespass and occupancy in respect of the property situated in Survey No.678/4A, Korattur Village bearing Plot No.79 & 80.

For Petitioner : Mr.C.Rajan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The learned counsel for the petitioner would submit that there are repeated attempts by the accused person to interfere with the possession of the property. Earlier a complaint was given and the respondent police had sought for a report from the Thasidar, Ambattur and the Thasildar, Ambattur by his report dated 26.10.2018 had categorically stated that the petitioner is the owner of the property. The learned counsel for the petitioner would submit that the title to the property is also confirm based on the sale deed in favour of the petitioner. The learned counsel for the petitioner further submitted that the complaint has been given to the Assistant Commissioner of Police, Ambattur on 30.10.2018 seeking for taking action against the accused persons and to provide police protection to the petitioner and it has not been considered by respondent police and therefore, the present petition has been filed.

2.In the facts and circumstances of the case, this Court is able to see that the petitioner wants to civil Court his

possession in the property, since an attempt is being made by the accused persons to interfere with the possession. In the case of this nature, the petition has to approach only a civil Court seeking for an injunction in order to protect his possession over the property. The petitioner can also seek for police protection before the very same civil Court. An independent petition before this Court seeking for police protection simplicitor will not be maintainable.

3.This Criminal Original Petition is disposed of by giving liberty to the petitioner to approach the appropriate civil Court to safeguard her right over the property and it is made clear that if the police finds that an cognizance offence has been made based on the complaint given by the petitioner, they can proceed further in accordance with the directions given by the Honorable Supreme Court in Lalita Kumari Vs Government of Uttarpradesh and Others reported in (2014) 2 SCC 1

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Inspector of Police,
Korattur Police Station,
Korattur.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Rajan, Advocate, S.R.No.77485

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VD(CO)

GSP(07/12/2018)

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