

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

C O R A M

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.24922 of 2018

K.Sivachelvi, F/A-50 years,
W/o.Krishnan,
No.171, Dharani Illam,
Narasodhippatti,
Salem District-636 004.

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District.

2. The Inspector of Police,
Attur Police Station,
Salem District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to pass an order of direction by directing the 1st respondent to give police protection to the petitioner on the basis of the petitioner's complaint.

For Petitioner : Mr.G.Pavendhan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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O R D E R

This Criminal Original Petition has been filed seeking for police protection from the 1st respondent police on the basis of the complaint given by the petitioner on 02.04.2018.

2. The learned counsel for the petitioner would submit that there is a case pending in O.S.No.207 of 2016, on the file of the District Munsif Court, Attur between the petitioner and one Krishnan. In the said suit, application was also taken in I.A.No.1052 of 2016 for appointment of an Advocate Commissioner to conduct the local investigation and to take measurements and to record the physical features. The Advocate Commissioner with the help of the local surveyor had measured the land and also fixed the boundaries of the petitioner property.

3. According to the learned counsel for the petitioner, the eastern side owner one Senthil Kumar is preventing the petitioner from fencing her land. According to the learned counsel for the petitioner, Senthil Kumar was not party to the above said suit and he is unlawfully claiming right over the property belonging to the petitioner. The learned counsel would therefore submit that the respondent police in spite of receiving the complaint have not taken any action against the said Senthil Kumar and are not providing any protection to the petitioner.

4. The learned Additional Public Prosecutor would submit that the above Senthil Kumar is also claiming right over the property. The petitioner, instead of working out her remedies before the appropriate Civil Court against the said Senthil Kumar has approached this Court seeking for police protection. Since the dispute is Civil in nature, the respondent police have not interfered in this case and it will not be possible for the respondent police to provide any police protection to the petitioner.

5. It is seen from the records that even at that time when the inspection was done by the Advocate Commissioner with the help of the surveyor, the above said Senthil Kumar was present at the place of inspection. The above said Senthil Kumar is claiming certain right in the property. The nature of dispute is such that the respondent police cannot interfere with the same and provide police protection to one or the other. It is for the petitioner to work out her remedy against the said Senthil Kumar before the appropriate Civil Court by getting necessary orders preventing him from interfering with her possession and enjoyment of the property. The petition of this nature before this Court is not maintainable.

6. This Court does not find any merits in this petition. Liberty is granted to the petitioner to work out her

remedy before the appropriate Civil Court and safeguard her right and possession over the property.

7. In the result, the Criminal Original Petition is disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

bsm

To

1. The Additional Public Prosecutor, High Court, Madras.
2. The Superintendent of Police,
Salem District.
3. The Inspector of Police,
Attur Police Station,
Salem District.

+1 cc to M/s.G.Pavendran, Advocate Sr.No.76546

CSL/20.11.2018

Cr1.O.P No.24922 of 2018

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