

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.25142 of 2018

P.Vetrivendhan

..Petitioner

Vs

1. The Deputy Superintendent of Police,
Gummdipoondi,
Thiruvallur District.

2. The Inspector of Police,
Arambakkam Police Station,
Gummidipoondi,
Thiruvallur District.

..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to give police protection for the petitioner to maintenance and fencing in his property and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.M.Mohamed Nazar

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

ORDER

This Criminal Original Petition has been filed seeking for Police protection to enable the petitioner to fence his property and to maintain the same.

2. The learned counsel for the petitioner would submit that one Balakrishnan was threatening the petitioner and was attempting to take away the property belonging to the petitioner. Therefore, a suit was filed in O.S.No.248 of 2016, which is pending on the file of the Sub Court, Ponneri. In the mean time, the said Balakrishnan is causing threat and also attempting to interfere with the possession and enjoyment of the property by the petitioner.

3. It is seen from the records that there is already a suit which is pending before the sub Court, Ponneri in O.S.No.248 of 2016. The petitioner will have to seek for necessary protection by filing a appropriate application only in the pending suit and an independent application before this Court, seeking for police protection is not maintainable. The police cannot interfere in a matter of this nature since the dispute is civil in nature and the case is admittedly pending before the competent Civil Court.

4. This Criminal Original Petition is dismissed by giving liberty to the petitioner to work out his remedy before the competent Civil Court in which the suit is pending between the parties.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb/rpl

To

1. The Deputy Superintendent of Police,
Gummdipoondi,
Thiruvallur District.
2. The Inspector of Police,
Arambakkam Police Station,
Gummidipoondi,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

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SP(26/11/2018)