

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26460 of 2018

Abdul Latheef

...Petitioner

Vs.

1. The Superintendent of Police,
Perambalur District.
2. The Deputy Superintendent of Police,
Perambalur Range,
Perambalur.
3. The Inspector of Police,
Town police station,
Perambalur.
4. Mani

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue direction to the respondents 1 and 3 to provide police protection to the petitioner's property in Town Survey No.333/23A, 23B and 23C total extent 50 cent situated at Perambalur Town and considering the representation dated 16.07.2018.

For Petitioner : M/S.E.C.Ramesh

For Respondents : Mr.M.Mohamed Riyaz

Addl. Public Prosecutor for R1 to R3

ORDER

This Criminal Original Petition has been filed to seek the police protection to the petitioner's property.

2. The learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.273 of 2006 against the 4th respondent and in the said suit, an order of interim injunction was also passed in favour of the petitioner in I.A.No.720 of 2006. The said order was challenged by the 4th respondent by way of an appeal in C.M.A.No.9 of 2014 and the same was also dismissed by the appellate Court, by order dated 22.02.2017. This order was subsequently confirmed by this Court in C.R.P.Nos.1822 and 1824 of 2017, by an order, dated

09.06.2017. This Court has already directed the Court below to dispose of the suit on merits within 3 months. In the mean time, the 4th respondent in spite of losing his case in the Appeal and Revision, continues to disturb the possession of the petitioner and is also causing life threat. Therefore, the present petition has been filed before this Court.

3. It is true that the petitioner has obtained an order of injunction against the 4th respondent and the same has been confirmed till this Court in C.R.P.Nos.1822 and 1824 of 2017. If in spite of the said order, the 4th respondent continues to interfere with the possession of the petitioner, the petitioner has to work out his remedy by filing an appropriate petition for contempt of Court. It is also open to the petitioner to file an appropriate application under Section 151 of Cr.P.C. seeking for police protection. The petitioner has to necessarily workout his remedy before the Court below where the suit is pending. The petitioner cannot independently seek for police protection in this regard.

4. In view of the above, this Criminal Original Petition is disposed of by giving liberty to the petitioner to workout his remedy in the manner indicated herein above, before the appropriate Civil Court.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Perambalur District.
2. The Deputy Superintendent of Police,
Perambalur Range,
Perambalur.
3. The Inspector of Police,
Town police station,
Perambalur.

4.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to M/S.E.C.Ramesh, Advocate sr.no.78091

CRL.O.P.No.26460 of 2018

spd(co)
nr 10/12/2018



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