

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27252 of 2018

R.Narayanasamy

... Petitioner/Complainant

Vs.

1.The Commissioner of Police,
Veppery,
Chennai.

2.The Inspector of Police,
Neelankarai Police Station,
Chennai.

3.Mr.C.Thanigai @ Thanigaimalai
S/o.Mr..Chinnakannu

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to provide necessary police protection to the safety and security of the petitioner, his family and his property based on the petitioner's complaint dated 19.11.2018.

For Petitioner : Mr.Devaraj Mahesh

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for police protection to the petitioner and his family.

2.It is seen from the records that there is a dispute between the petitioner and the third respondent. There was an agreement of sale entered into between the parties and the petitioner had received an advance amount. Thereafter, the sale deed was not executed. However, the third respondent did not file any suit for specific performance. There was an issuance of legal notice in the year 2013 by the third respondent and thereafter, no action was taken.

3.The learned counsel for the petitioner would submit that the third respondent is now trying to get back the advance amount and for that purpose, the petitioner had given a complaint before the second respondent police seeking for police protection and since no action has been taken, this petition has been filed seeking for appropriate direction.

4. There is admittedly a money dispute between the petitioner and the third respondent. If according to the petitioner, the third respondent is causing threat and in spite of the complaint lodged before the respondent police, no action has been taken, the petitioner has to follow the guidelines given by the Hon'ble Division Bench of this Court in CrI.O.P (MD) No.13681 of 2018 and a batch of cases, dated 20.09.2018, in order to get an FIR registered against the third respondent. Without doing so, the petitioner cannot approach this Court directly seeking for police protection.

5. In view of the above, the present petition has been filed by the petitioner is not maintainable and this Criminal Original Petition is dismissed with liberty to the petitioner to pursue his remedy to get an FIR registered against the third respondent and thereafter proceed with in accordance with law.

Sd/-

Assistant Registrar(CS-IV)

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Sub Assistant Registrar

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To

1. The Commissioner of Police,
Veppery,
Chennai.

2. The Inspector of Police,
Neelankarai Police Station,
Chennai.

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

CrI.O.P.No.27252 of 2018

SSD(CO)
EU(14/12/2018)