

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 06.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.28521 of 2018

RMC Travellers Inn (P) LTD,
Rep by, its Director Mr.M.Healthtito,
No.61, Annai velkanni Church Road,
Vannathuraj Junction, Besant Nagar,
Chennai-600 090.

... Petitioner

Vs.

1.The Commissioner of Police,
(Greater Chennai), Commissioner office,
Vepery, Chennai-600 007.

2.The Inspector of Police,
J-5, Shastri Nagar Police Station,
Shastri Nagar, Chennai-600 020.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to give police protection for peaceful possession and enjoyment of the petitioner property.

For Petitioner : Mr.L.Infant Dinesh
For Respondents : Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking for police protection.

2.The learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property and an attempt was made by one Mohammed Saleem and others to encroach upon the property. The petitioner thereafter filed a suit in O.S.No.1409 of 2017, before the V Assistant City Civil Court, Chennai, seeking for the relief of permanent injunction. In the said suit, the petitioner filed I.A.No.4038 of 2017, seeking for interim injunction pending disposal of the suit. The said application was contested on merits and the V Assistant City Civil Court, Chennai by a final order dated 20.10.2017, allowed the petition and granted an order of interim injunction in

favour of the petitioner.

3.The learned counsel for the petitioner would submit that inspite of the order passed by the court below, the other side has engaged the services of some henchmen and serious attempts are being made to break the wall and to interfere with the possession of the property. The petitioner had given a complaint to the respondent police in this regard on 19.11.2018 seeking for police protection. Since the complaint was not acted upon, the petitioner has approached this Court seeking for police protection.

4.The learned Additional Public Prosecutor would submit that there is already a suit pending between the parties. Therefore, the police are not in a position to interfere with the dispute unless and otherwise there is any specific Court order in that regard.

5.This Court has carefully considered the submissions made on either side. It is the specific case of the petitioner that the concerned City Civil Court has allowed the injunction petition and has granted an order of interim injunction in favour of the petitioner, on merits. If there is any violation of the said order, it is always left open to the petitioner to file an appropriate petition before the concerned Court for the relief of contempt and the petitioner is also entitled to seek for police protection by filing a petition under Section 151 of Cr.P.C. The petitioner cannot parallely invoke the jurisdiction of this Court under Section 482 of Cr.P.C and seek for police protection.

6.This Criminal Original Petition is disposed of by giving liberty to the petitioner to work out his remedy in the pending Civil Suit by filing an appropriate petition as indicated herein above.

Sd/-

सत्यमेव जयते Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
(Greater Chennai),
Commissioner office,
Vepery,
Chennai-600 007.

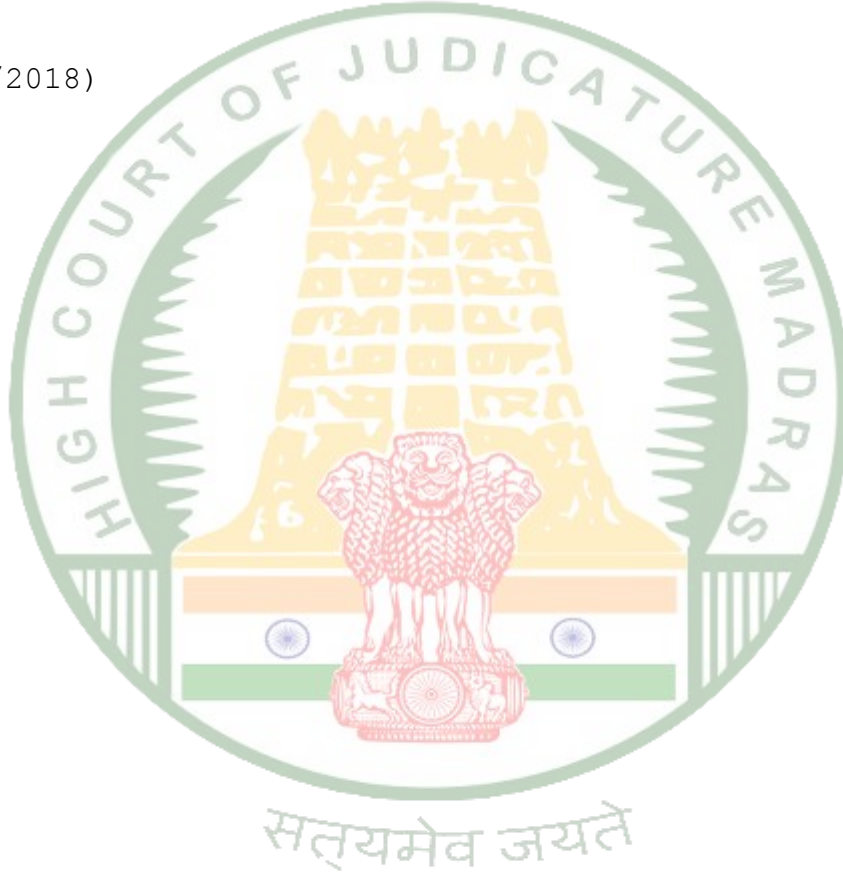
2.The Inspector of Police,
J-5, Shastri Nagar Police Station,
Shastri Nagar,
Chennai-600 020.

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

+lcc to Mr.L.Infant Dinesh, Advocate, S.R.No.83802

Cr1.O.P.No.28521 of 2018

GSP(19/12/2018)



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