

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29820 of 2018

1. V.Vigneshwar

2. K.Malathi

3. N.Rajendran

... Petitioners

-vs-

1. The Commissioner of Police,
Chennai City,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2. The Deputy Commissioner of Police,
Anna Nagar,
Chennai - 600 040.

3. The Assistant Commissioner of Police,
Thirumangalam, School Road,
Anna Nagar Western Extension,
Chennai - 600 037.

4. The Inspector of Police,
V5 Thirumangalam Police Station,
Chennai - 600 101.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure to direct the respondents to give police protection to the Petitioners based on the representation dated 10.12.2018.

For Petitioners : Mr.S.Karthikeyan

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

ORDER

This petition has been filed seeking for police protection to the petitioners.

2. It is seen from records that there is already a civil dispute between the parties and a suit in O.S.No.6545 of 2016 before the XVII Assistant City Civil Court, Chennai is pending. In the said suit, an application was filed in I.A.No.16023 of 2015 and the injunction order was also granted in favour of the petitioners, by an order dated 22.09.2016.

3. The learned counsel for the petitioners would submit that in spite of the orders passed by the Competent Civil Court and in spite of several complaints pending against the accused persons before the 4th respondent, no action has been taken against the accused persons and therefore, the accused persons are continuing to interfere with the possession of the property and also causing threat to the petitioners.

4. The learned counsel for the petitioners would submit that if the police had taken action against the accused persons, they would not have dared to come near the property, in spite of the order of interim injunction passed in favour of the petitioners by the Competent Civil Court.

5. This Court is not inclined to grant the relief as prayed for by the petitioners. If there is any violation of the order of injunction passed by the Court below, the petitioners will have to workout their remedy only by filing an appropriate petition before the Court below for contempt. It is also open to the petitioners to seek for police protection before the competent Civil Court if the order of injunction is disobeyed by the defendants.

6. Insofar as the submission made by the learned counsel for the petitioners that the 4th respondent has failed to take any action on the pending FIR/complaint given by the petitioners, and therefore, the accused persons are continuing to perpetrate the illegality by use of force is concerned, even though it is true that the petitioners will have to workout their remedy before the Competent Civil Court for the violation of the order of the interim injunction, it does not in any way prevent the 4th respondent from taking action on the pending criminal cases against the accused persons. An effective action taken by the 4th respondent will keep a check on the accused persons from continuing with the illegal activities.

7. In view of the above, this Criminal Original Petition is disposed of by giving liberty to the petitioners to work out

their remedy before the Competent Civil Court, insofar as the violation of the order of interim injunction is concerned. However, there shall be a direction to the 4th respondent to immediately proceed to take action against the accused persons in the pending FIR/complaint given by the petitioners.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ssr/kal

To

1. The Commissioner of Police,
Chennai City,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
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Chennai - 600 040.
3. The Assistant Commissioner of Police,
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Anna Nagar Western Extension,
Chennai - 600 037.
4. The Inspector of Police,
V5 Thirumangalam Police Station,
Chennai - 600 101.
5. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.M.Ravi, Advocate Sr.No.89004

CSL/23.01.2019

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