



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**Cr1.O.P.(MD)No.6314 of 2018

L.P.G.Kannan

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruchirappalli.2.The Inspector of Police,
Lalgudi Police Station,
Trichy District.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to give police protection to the petitioner for repairing the roof of the hotel building.

For Petitioner : Mr.S.Muthukrishnan,

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor**ORDER**

This application is filed seeking for a direction, directing the respondents to give police protection to the petitioner for repairing the roof of the hotel building.

2.The learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.325 of 2015 before the District Munsif Court, Lalgudi for permanent injunction and pending suit, the petitioner filed an I.A.No.443 of 2015 for temporary injunction till the disposal of the suit. The District Munsif Court, Lalgudi has granted an interim order of temporary injunction till the disposal of the suit. In the meantime, the proposed respondents namely one Naseer Hussain and 10 others trespassed in to the petitioners hotel and restrained and threatened the petitioner from repairing the roof of the hotel. Therefore, the petitioner has made a complaint to the respondent police for taking action against the proposed accused and for police protection to renovate the roof of the hotel, but sofar, no action has been taken and hence, the petitioner has filed the present Criminal Original Petition.



3.The learned Additional Public Prosecutor appearing for the respondents on instructions submitted that civil suit is pending.

4.On a perusal of the interim order passed by the Civil Court in I.A.No.443 of 2015, dated 10.11.2016, only interim injunction was granted to restrain the respondent from interfering with the peaceful possession of the petitioner. When the said suit is pending before the concerned Court, the relief as prayed for herein can be sought for before the Civil Court and seek for other remedy also. Therefore, the present Criminal Original Petition filed for seeking police protection is not maintainable.

5.In view of the above observation, the Criminal Original Petition is dismissed with liberty to approach the appropriate court for getting relief.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tiruchirappalli.

2.The Inspector of Police,
Lalgudi Police Station,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of the Madras High Court,
Madurai.

+1cc to Mr.S.Muthukrishnan, Advocate, SR.No.62300.

Cr1.O.P.(MD).No.6314 of 2018
19.04.2018

AM

RAM/SV MMS/SAR 1/11.05.2018/2P/5C