

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.20118 of 2018

N.Rajinikanth

... Petitioner

Vs

1.The Superintendent of Police,  
Ariyalur District.

2.The Inspector of Police,  
Udayarpalayam Taluk,  
Ariyalur District.

3.Mr.K.Kasinathan

4.Mr.K.Maharajan

5.Mr.K.Uthirapathi

6.Mr.K.Azhagesan

.... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Respondents 1 & 2 to grant police protection to the petitioner based on the complaint dated 18.07.2018 of the petitioner.

For Petitioner : M/s.Usha Ramman

For Respondents : Mr.M.Mohamed Riyaz for R1 & R2  
Additional Public Prosecutor

R3 to R6 - No appearance

O R D E R

The Criminal Original Petition has been filed seeking for police protection.

2.It is seen from records that the petitioner has already filed a suit in O.S.No.300 of 2016 before the District Court at Jayakondam. In the said suit, the petitioner seeking for permanent injunction restraining the respondents 3 to 6 from

interfering the peaceful possession and enjoyment of the petitioner's lands. The Court below has also granted exparte decree in favour of the petitioner.

3.The learned counsel for the petitioner would submit that in spite of the decree passed, the respondents 3 to 6 is continuously interfering with the possession and enjoyment of the petitioner and they are causing threat to the petitioner and therefore, the petitioner gave a complaint to the respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4.The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

5.Heard M/s.Usha Ramman, learned Counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

6.The petitioner in this case has admittedly obtained an exparte decree against the respondents 3 to 6. The respondents 3 to 6 are continuously interfering with the possession and enjoyment of the petitioner. The petitioner has to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction is given by a competent Civil Court.

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

Sd/-

Assistant Registrar (AD-IV)

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Sub Assistant Registrar

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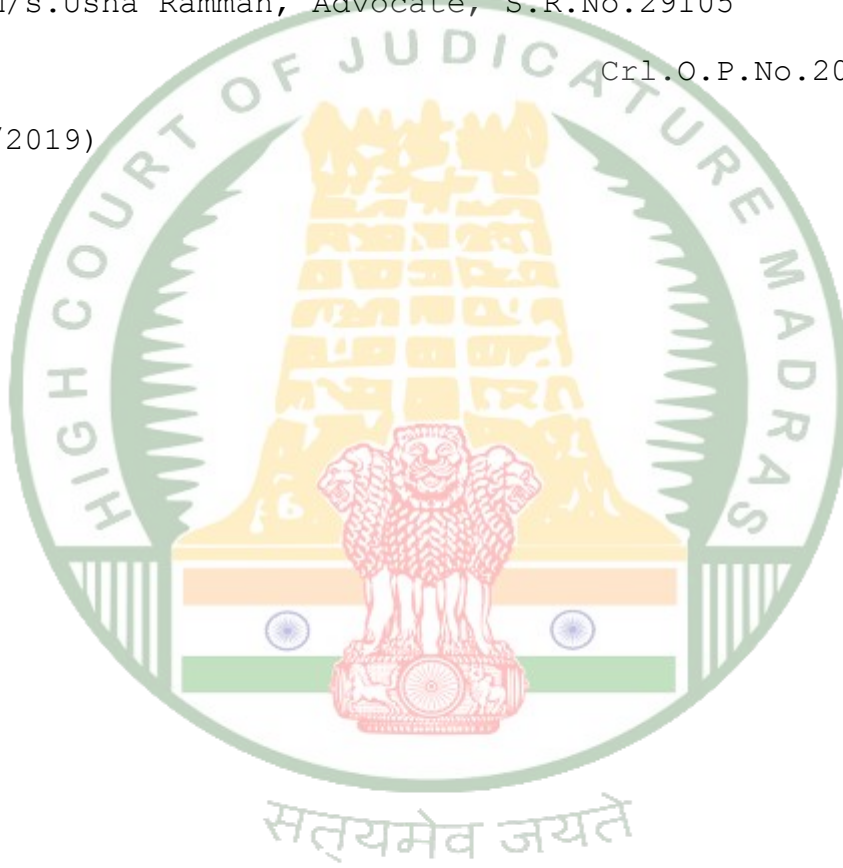
To

1. The Superintendent of Police,  
Ariyalur District.
2. The Inspector of Police,  
Udayarpalayam Taluk,  
Ariyalur District.
3. The Public Prosecutor,  
High Court, Chennai - 104.

+1 cc to M/s.Usha Ramman, Advocate, S.R.No.29105

Crl.O.P.No.20118 of 2018

EV(CO)  
SSM(24/05/2019)



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