

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No. 1979 of 2019

E.Raju

.. Petitioner

Vs

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
 2. The Deputy Superintendent of Police,
Arni Town,
Thiruvannamalai District.
 3. The Inspector of Police,
Arni Taluk Police Station,
Arni Town,
Thiruvannamalai District.
 4. A.G.Balakrishnan
 5. Moorthi
 6. Ravi
(R 4 to 6 are impleaded as per
the order of this Court dated
04.02.2019 made in Crl.M.P.
No.1883 of 2019 in Crl.O.P.
No.1979 of 2019)
- .. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to give police protection to the petitioner herein and to his property based upon his compliant dated 30.11.2018, while carrying out construction in his property stated as suit scheduled mentioned property in O.S.No.1 of 2016, on the file of the learned Subordinate Judge, Arni.

For Petitioner : Mr.A.Gouthaman
For Respondents
For R1 to R3 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor
For R4 & R5 : No appearance
For R6 : Mr.S.Vediappan

O R D E R

This petition has been filed to direct the respondents 1 to 3, to give police protection to the petitioner herein and to his property based upon his compliant dated 30.11.2018.

2. It is seen from records that the petitioner has filed a suit in O.S.No.1 of 2016 before the Sub Court, Arni, as against the fourth respondent and the said suit decreed in his favour. The trial Court granted the relief of declaration and injunction with regard to the suit property, as against which no appeal has been filed and the matter reached its finality. It is also seen that the petitioner also filed another suit in O.S.No.209 of 2018 before the Subordinate Judge, Arni in respect of the same property as against the respondents 5 & 6 and the same is pending.

3. The learned counsel for the petitioner would submit that in spite of the order passed by the trial Court, the respondents 4 to 6 is continuously interfering 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 counsel appearing for the sixth respondent submitted that the petitioner filed a suit in O.S.No.1 of 2016 without impleading the sixth respondent as party to the proceedings and obtained ex-parte order from the Court below. He further submitted that now the petitioner filed a suit in O.S.No.209 of 2018 on the file of the learned Subordinate Judge, Arani, Thiruvannamalai District as against the respondents 5 & 6 and the same is pending. Hence, he prayed to dismiss the present petition.

5. 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.

6. Heard Mr.A.Gouthaman, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents 1 to 3 and Mr.S.Vediappan, learned counsel appearing for the sixth respondent.

7. The petitioner in this case has admittedly obtained an ex-parte order as against the fourth respondent. He also filed another suit as against the respondent 5 & 6 and the same is pending. Therefore, 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.

8. 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(CS)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Subordinate Court, Arni.
2. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
3. The Deputy Superintendent of Police,
Arni Town,
Thiruvannamalai District.
4. The Inspector of Police,
Arni Taluk Police Station,
Arni Town,
Thiruvannamalai District.
5. The Public Prosecutor,

High Court, Madras.

+1cc to Mr. M.Suresh, Advocate SR.No. 18675

+1cc to Mr.S.Vediappan, Advocate SR.No. 17810

CrI.O.P.No. 1979 of 2019

rr(co)

A.SK(10/04/2019)

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