

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2942 of 2019

B.L.Sridhar

.. Petitioner

Vs

1.The State Rep. by,
The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

...Respondents

3.Appaji Gowdu
4.Mahadevappa
5.Muthappa
6.Renugappa
7.Shithappa
8.Prakash
9.Mahadevappa
10.Uamapathy
11.Soodappa
12.Pasumaraj
13.Rajanna
14.Abbaiya

.. Proposed Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent police to give police protection to the petitioner and his family members from the illegal attempt and threat of the proposed respondents 3 to 14 by considering the petitioner's representation dated 07.12.2018 and preventing the proposed respondents 3 to 14 not to interfere with the peaceful possession and enjoyment of the petitioner's landed property in Survey No.384 to the extent of 1.80.5 Hectare situated at Pachappalli Village, Sarandapalli Post, Denkanikottai Taluk, Krishnagiri District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection.

2. It is seen from the records that the petitioner has already filed a suit in O.S.No.109 of 2016 before the District Munsif Court, Denkanikottai, Krishnagiri District. The learned counsel for the petitioner would submit that the respondents 3 to 14 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.

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

4. Heard Mr.E.Kannadasan learned counsel for the petitioner and Mr.M.MohamedRiyaz, learned Additional Public Prosecutor for the respondent police.

5. It is seen from the records, the respondents 3 to 14 are continuously interfering 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.

6. 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.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

jas/uma

To

1.The State Rep. by,
The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

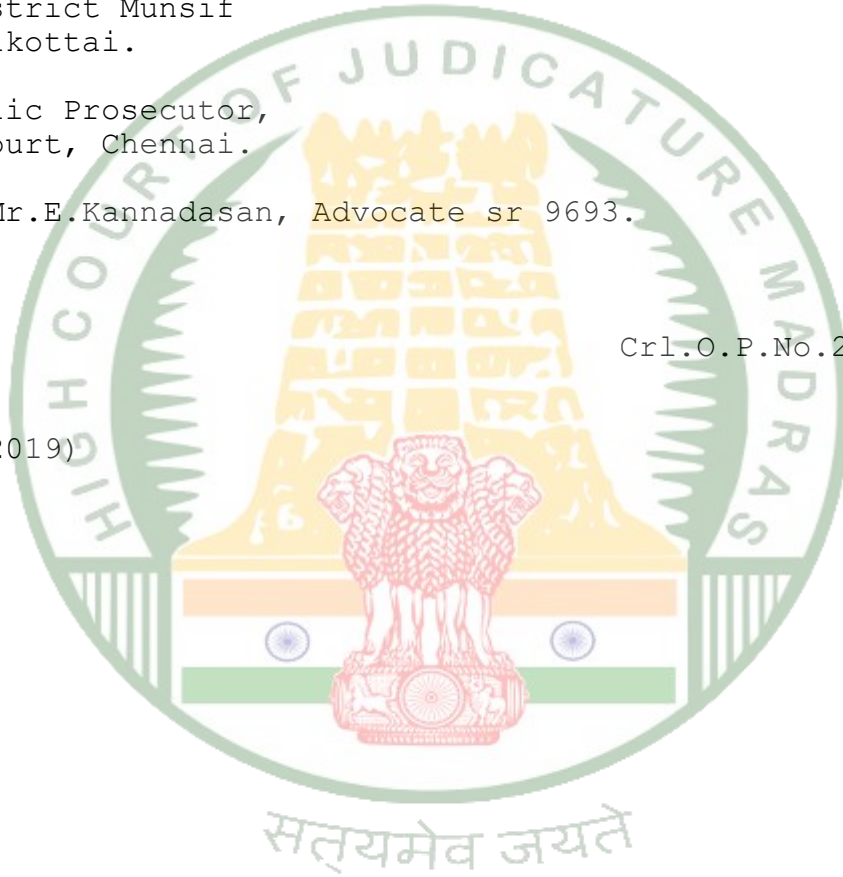
3. The District Munsif
Denkanikottai.

4.The Public Prosecutor,
High Court, Chennai.

+1 CC to Mr.E.Kannadasan, Advocate sr 9693.

Crl.O.P.No.2942 of 2019

PVS (CO)
SP(08/02/2019)



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