

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3167 of 2019

C.Thirupathy

.. Petitioner

Vs.

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

2.The Inspector of Police
Nagarasampatti Police Station
Krishnagiri District

3.Kalyani

4.Poongodi

5.Vijayan

... Respondents

Prayer:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the 2nd respondent police to give police protection to he petitioner and his family members from the illegal attempt and threat of the respondents 3 to 5 and preventing them from not to interfere with the peaceful possession and enjoyment of the petitioner's land property in Survey No.1042/20, 1043/5, 1045/1, 433/1E situated at Venganoor Village, Velampatti Post, Pochampalli Taluk, Krishnagiri District.

For Petitioner : Mr.E.Kannadasan

For R1 and R2 : 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 records that the petitioner has already filed a suit in O.S.No.64 of 2000 before the learned District Munsif Court, Pochampalli, Krishnagiri District. In the said suit, seeking for declaration and permanent injunction restraining the defendants from interfering the peaceful possession and enjoyment of the petitioner's property. The Court below has also granted an order of permanent injunction in favour of the petitioner.

3. The learned counsel for the petitioner would submit that in spite of the interim order passed, the respondents 3 to 5 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 Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

6. The petitioner, in this case, has admittedly obtained an order of decree and permanent injunction against the respondents 3 to 5. The respondents 3 to 5 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.

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(J)

//True Copy//

Sub Assistant Registrar

ssr/kal

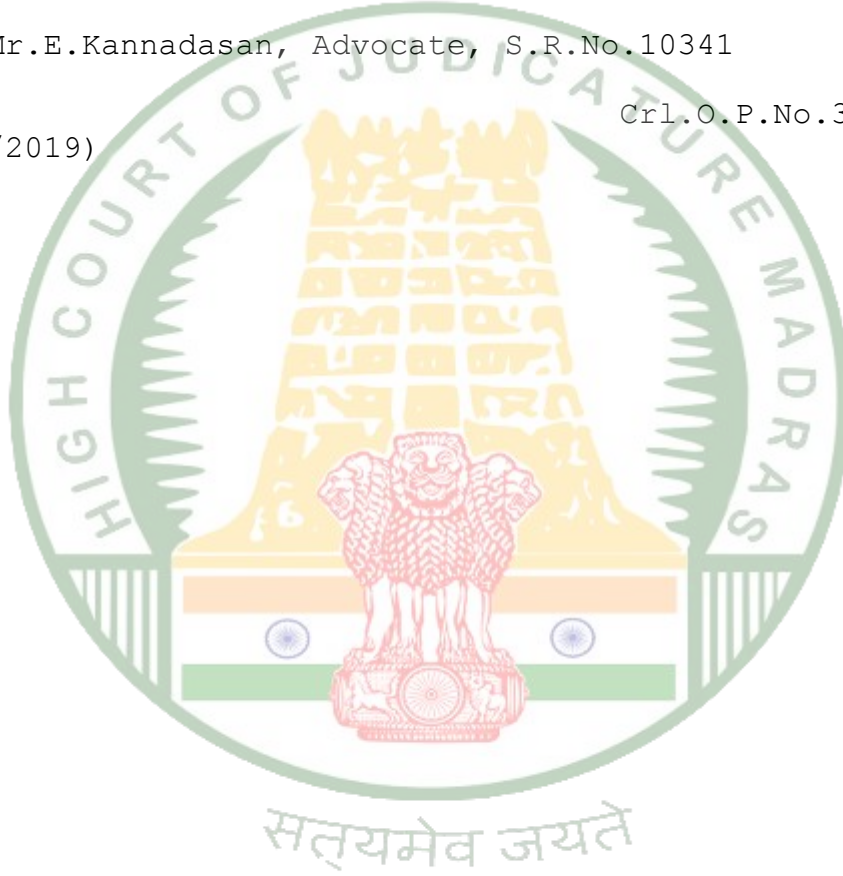
To

1. The Superintendent of Police
Krishnagiri District
Krishnagiri
2. The Inspector of Police
Nagarasampatti Police Station
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.E.Kannadasan, Advocate, S.R.No.10341

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SSM(21/02/2019)



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