

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.3174 of 2019

Mohamed Ismail Khan Ghorl

.. Petitioner

Vs.

1. The Commissioner of Police,
City Police Commissioner Office,
Coimbatore City, Coimbatore.

2. The Inspector of Police,
Kuniamuthur Police Station,
Kuniamuthur, Coimbatore.

3. Shalmabi

.. Respondents

Prayer:

Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the 1st and 2nd respondents to give police protection to the life of the petitioner and his family members on the basis of the petitioner's complaint dated 29.01.2019.

For Petitioner : Mr.A.Tamilarasan

For Respondents : Mr.M.Mohamed Riyaz
1 and 2 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.1260 of 2018 before the learned District Munsif, Coimbatore. In the said suit, seeking for permanent injunction restraining the defendant/3rd respondent herein from interfering the peaceful possession and enjoyment of the petitioner's property and the same is pending.

3. The learned counsel for the petitioner would submit that the respondent 3 is continuously interfering the possession and enjoyment of the petitioner and 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 the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

6. The respondent 3 is 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(CS V)

//True Copy//

Sub Assistant Registrar

ssr/kal

To

1. The Commissioner of Police,
City Police Commissioner Office,
Coimbatore City,
Coimbatore.

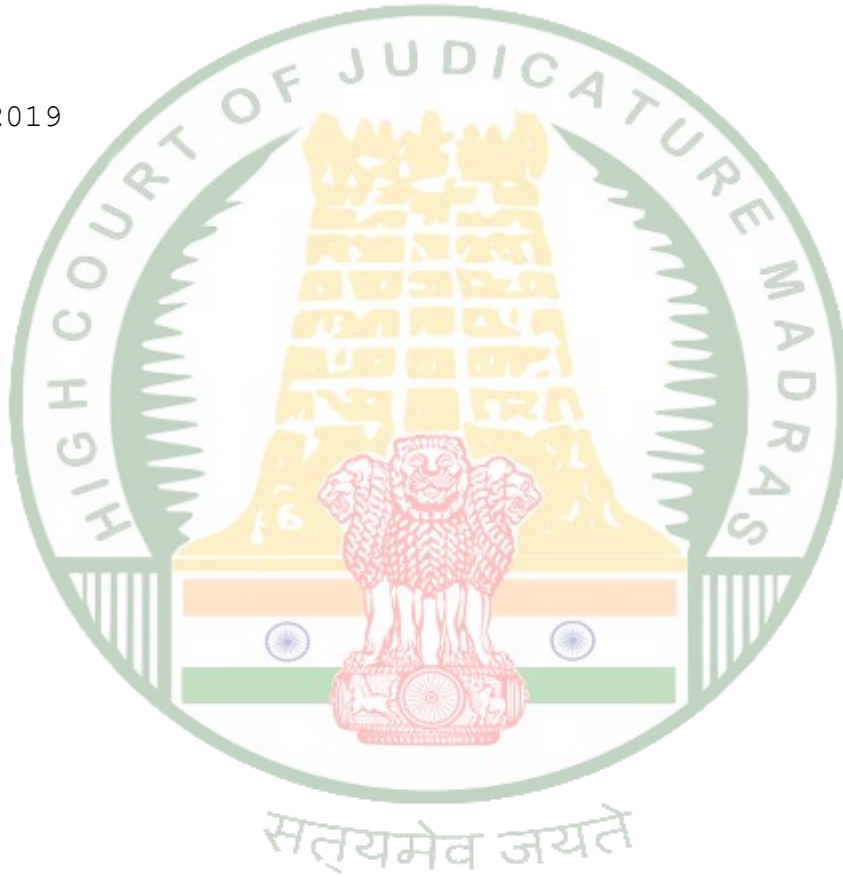
2. The Inspector of Police,
Kuniamuthur Police Station,
Kuniamuthur,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras

+1cc to Mr.A.Tamilarasan, Advocate, S.R.No.10886

CrI.O.P.No.3174 of 2019

PM(CO)
CS/08/02/2019



WEB COPY