

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 6866 of 2018

J.Y. Venkatesh

... Petitioner

Vs

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
 2. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.
 3. J. Ramaiya
 4. R. Munivenkatappa
 5. R. Ellappa
 6. R. Prakash
 7. Krishnappa
- (Respondents 3 to 7 are impleaded as per
Order of this Court dated 15.03.2018
made in Crl.MP. No. 4065 of 2018) .. Respondents

Prayer :- Criminal Original Petition filed under Section 482
Cr.P.C. to direct the 2nd respondent herein to give police
protection for the petitioner to fence his land in S.No.53/1 at
Kagganur Village, Hosur Taluk, Krishnagiri District by
considering his representation dated 17.02.2018.

For Petitioner : Mr. R. Jayaprakash

For Respondents : Mr. M. Mohamed Riyaz
Addl. Public Prosecutor - R1 & R2

For R3 to R6 : Mr. G. M. Ananthakumar
For R7 : No Appearance.

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.346 of 1986 before the District Munsif, Hosur and obtained interim injunction in his favour restraining the defendant from interfering the peaceful possession and enjoyment of the petitioner's property. Thereafter, the petitioner has filed E.P. No. 24 of 2008 complaining the violation, in which the executing court, overlooking the decree passed by the trial Court, had dismissed the application. Aggrieved by the same, the petitioner has preferred CRP.(NPD) No. 3454 of 2009 before this Court and this Court by an order dated 05.08.2013, confirmed the decree granted by the trial Court dated 20.11.1998.

3. The learned counsel for the petitioner would submit that in spite of the interim order passed, the respondents 3 to 7 are 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, since, admittedly, the suit is pending before the Court below.

5. Heard Mr.R.Jayaprakas, learned Counsel for the petitioner and Mr. M.Mohammed Riyaz, learned Additional Public Prosecutor for respondents 1 & 2 and Mr.G.M.Ananthakumar, learned counsel appearing for the respondents 3 to 6. No appearance on behalf of the 7th respondent.

6. The petitioner in this case has admittedly obtained an order of injunction against the respondents 3 to 7 in civil court as well as in this Court in CRP(NPD) No. 3454 of 2009. The respondents 3 to 7 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

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

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

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate Sr.22164

Crl.O.P.No. 6866 of 2018

sv[co]
srg 3/5/2019

सत्यमेव जयते

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