

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3836 of 2019

V.Loganathan

...Petitioner

-Vs-

1.The State represented by its
Inspector of Police,
Thirumangalam Police Station,
Chennai.

2.The State represented by its
Commissioner of Police,
Egmore, Chennai.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to issue suitable direction to the 1st respondent to provide police protection as per petitioner's complaint dated 07.01.2019 to take over possession of the Hotel premises in accordance with law.

For Petitioner : Mr.Dr.T.M.Kannan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for police protection.

2. The learned counsel for the petitioner would submit that one Devanathan has filed an application in O.A.No.1267 of 2017 before this Court seeking for interim injunction for interfering the peaceful possession and enjoyment of the petitioner's property. This Court has also granted an order of injunction till 18.11.2018 in favour of Devanathan. He would further submit that the validity of the partnership deed dated 19.11.2012 and valid only for six years. On completion of six years, the petitioner approached the said Devanathan and asked

him to hand over the possession by him. But, the said Devanathan and others are still holding the property and not handed over the vacant possession to the petitioner. 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 respondent police cannot give police protection in a case of this nature, since, it is a land dispute and purely civil in nature.

4. Heard Dr.T.M.Kannan, learned Counsel for the petitioner and Mr.M.Mohammed Riyaz learned Additional Public Prosecutor for the respondents police.

5. In view of the above, the petitioner has to file an appropriate petition before the Court below and seek remedy. 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. Accordingly, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to workout her remedy before the Court below in the manner indicated herein above.

mpa/lpp

Sd/-
Assistant Registrar(J)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The Inspector of Police,
Thirumangalam Police Station,
Chennai.

2.The Commissioner of Police,
Egmore, Chennai.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.T.M.Kannan, Advocate, S.R.No.12520

Cr1.O.P.No.3836 of 2019

Kak (21/03/2019)



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