

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.03.2019

CORAM
THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1240 of 2018

R.Sabarinathan

...Petitioner

Vs.

1.Assistant Commissioner of Police,
Vepery, Chennai

2.The Inspector of Police (L &O)
E-4, Abiramapuram Police Station,
Chennai-600 018.

3.C.Vasudevan

4.Ramitha Vasudevan
(R3 & R4 are impleaded as for the
order of this court dated 09.02.2018
made in Crl.M.P.No.1761 of 2018 in
Crl.O.P.No.1240 of 2018)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C, to give police protection to the petitioner for
constructing the compound wall in the said plot.

For Petitioner : Mr.P.Kumaresan

For RR1 & R2 : M.Mohamed Riyaz
Addl. Public Prosecutor

For R3 & R4 : Mr.D.Gopikrishnan

O R D E R

This petition has been filed under Section 482 of Cr.P.C,
to give police protection to the petitioner for constructing the
compound wall in the said plot.

2. It is seen from the records that the petitioner has
already filed a suit in O.S.No.111 of 2004 before the learned
Principal Sub Judge, Tindivanam and the same was decreed in
favour of the petitioner by an order dated 12.01.2005 and the
said property was handed over to the petitioner for the peaceful
possession and enjoyment of the property.

3.The learned counsel for the petitioner would submit that in spite of the decree passed, the respondents 3 and 4 are continuously interfering and disturbing the construction of the compound wall which was 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,the civil dispute between the parties.

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 dispute between the parties are civil in nature.

5. Heard Mr. P.Kumaresan learned Counsel for the petitioner, Mr. M.Mohamed Riyaz learned Additional Public Prosecutor for the 1st and 2nd respondents police and Mr.D.Gopikrishnan learned counsel for the 3rd and 4th respondents.

6.Admittedly, the petitioner obtained a decree in O.S.No.111 of 2004 by an order dated 27.01.2005. Eventhough, The respondents 3 and 4 are continuously interfering and disturbing in the construction of the compound wall which is in 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 stands dismissed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsn

To

1.Assistant Commissioner of Police,
Vepery,
Chennai

2.The Inspector of Police (L &O)
E-4, Abiramapuram Police Station,
Chennai-600 018.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Gopikrishnan, Advocate, S.R.No.230877

Cr1.O.P.No.1240 of 2018

GJ(CO)

RRS (15/04/2019)



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