

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 4854 of 2019

S.Karunakaran

... Petitioner

Vs.

1.The Deputy Commissioner of Police
St.Thomas Mount Police,
St,Thomas Mount Chennai-16.

2.The Inspector of Police
Semmenchery Police Station
Chennai

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the second respondent to give a police protection to the petitioner for his life and property.

For Petitioner : Mr.T.Arul

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection to the petitioner for his life and property.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.716 of 2013 before the District Munsif Court, Alandur. In the said suit, the petitioner has filed I.A.No.1467 of 2013, seeking for interim injunction restraining the defendant from interfering the peaceful possession and enjoyment of the petitioner's property. The Court below has also granted an order of injunction in favour of the petitioner.

3. The learned counsel for the petitioner would submit that inspite of the interim order passed, the defendants 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.T.Arul learned Counsel for the petitioner and Mr.M.Mohamed Riyaz learned Additional Public Prosecutor for respondents .

6. The petitioner in this case has admittedly obtained an order of injunction against the defendants. The defendants 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//

सत्यमेव जयते Sub Assistant Registrar

lpp/vsn

To

1.The Deputy Commissioner of Police
St.Thomas Mount Police,
St.Thomas Mount Chennai-16.

2.The Inspector of Police
Semmenchery Police Station
Chennai

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3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Arul, Advocate, S.R.No. 16810

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GN(27/03/2019)



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