

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5371 of 2019

Mallika Devi

... Petitioner

Vs

1. The Assistant Commissioner of Police,
Madipakkam,
Chennai-88
 2. The Inspector of Police,
Madipakkam Police station,
Chennai
 3. Mr.K.Narayanan
 4. Mr.N.Murugan
 5. Smt. Minnila
- ... Respondents

Prayer:-

Criminal Original Petition filed under Section 482 Cr.P.C directing the second respondent police to provide police protection to the petitioner.

For Petitioner : Mr.M.P.John Peter

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

सत्यमेव जयते
O R D E R

This petition has been filed seeking for police protection to the petitioner.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.140 of 2008 before the learned Additional District Munsif Court, Alandur and the same was also decreed in favour of the petitioner by an order dated 08.04.2010 and the said property was handed over the petitioner for their peaceful possession and enjoyment of the their property.

3.The learned counsel for the petitioner would submit that in spite of the decree passed, the respondents 3 to 5 are continuously interfering the possession and enjoyment of the petitioner property and they are causing threat to the petitioner and therefore, the petitioner gave a complaint to the second 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.M.P.John Peter, learned Counsel for the petitioner and Mr. M.Mohamed Riyaz learned Additional Public Prosecutor for the first and second respondent police.

6.Admittedly, the petitioner obtained a decree in O.S.No.140 of 2008 by an order dated 08.04.2010. Eventhough, The respondents 3 to 5 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.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

vsn/lpp

To

1. The Assistant Commissioner of Police,
Madipakkam,
Chennai-88

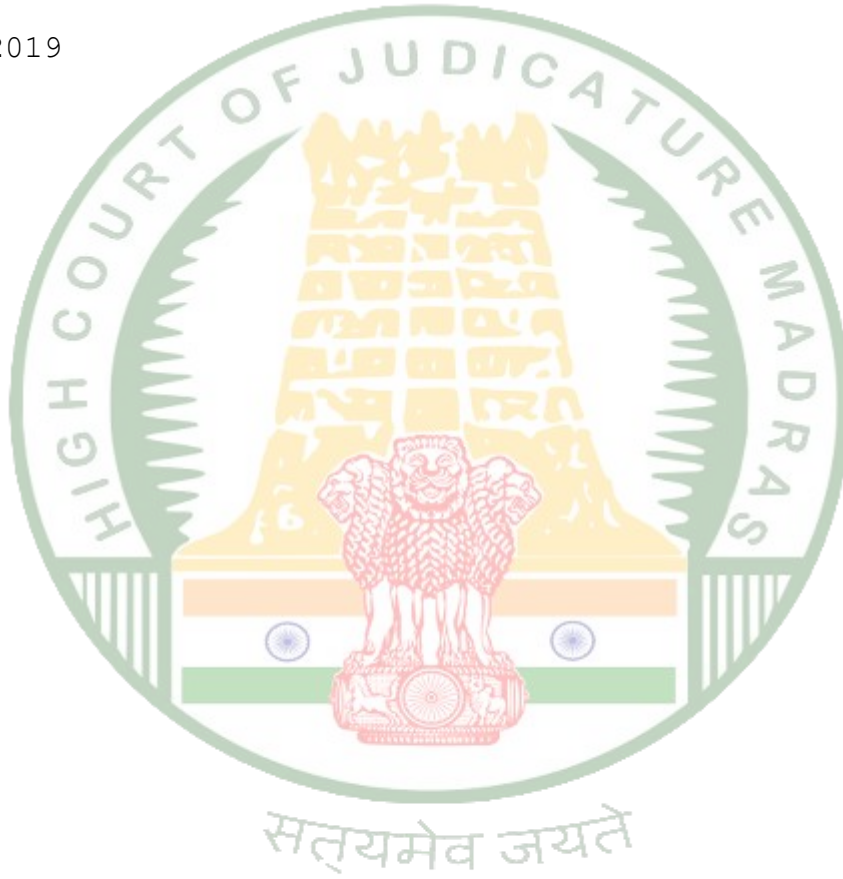
2. The Inspector of Police,
Madipakkam Police station,
Chennai

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.P.John Peter, Advocate, S.R.No.18822

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VBA (CO)
CS/05/03/2019



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