

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.13888 of 2018

1.Sarojini
2.V.Prabhu
3.V.Nithyanandam ... Petitioner

Vs

1.State
Rep. by the Superintendent of Police,
Coimbatore District,
Coimbatore.
2.The Inspector of Police,
Sulur Police Station,
Coimbatore District.
3.M.Ramasamy ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 herein to give police protection by considering the petitioner's representation dated 23.03.2018.

For Petitioners : Mr.R.Jayaprakash
For R1 & R2 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor
For R3 : Mr.S.Arjun

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking for police protection.

2. It is seen from records that the petitioners have already filed a suit in O.S.No.365 of 2017 before the learned Subordinate Judge, Coimbatore. In the said suit, the petitioners have filed an I.A.No.411 of 2017, seeking for interim injunction restraining the defendant from interfering the peaceful possession and enjoyment of the petitioners property. The Court below has also granted an order of injunction in favour of the petitioners.

3. The learned counsel for the petitioners would submit that in spite of the interim order passed, the 3rd respondent is continuously interfering the possession and enjoyment of the petitioners and he is causing threat to

the petitioners and therefore, the petitioners 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.Jayaprakash learned Counsel for the petitioners and Mr.M.Mohamed Riyaz learned Additional Public Prosecutor for the respondent police and Mr.S.Arjun learned counsel for the 3rd respondent.

6. The petitioners in this case have admittedly obtained an order of injunction against the 3rd respondent. The 3rd respondent is continuously interfering the possession and enjoyment of the petitioners. The petitioners have to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioners to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioners 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 petitioners to workout their remedy before the Court below in the manner indicated herein above.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vv2

To

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

2.The Inspector of Police,
Sulur Police Station, Coimbatore District.

3.The Public Prosecutor,High Court, Madras.

+1cc to Mr.S.Arjun , Advocate SR.No. 18577

+1cc to Mr.R.Jayaprakash , Advocate SR.No. 18592

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