

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8011 of 2019

Jansi Rani

... Petitioner

Vs.

The State rep by
The Inspector of Police,
J12-Kanathur Police Station,
Kancheepuram District-603 112.
(Crime No.7 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondent police to grant sufficient police protection based on the complaint given by the petitioner dated 06.02.2019.

For Petitioner : Ms.P.Bacyalakshmi
For Respondent : Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent to grant police protection based on the petitioner's complaint dated 10.01.2019 in Crime No.7 of 2019 pending on the file of the respondent police.

2. The learned counsel for the petitioner would submit that the Government constructed Tsunami quarters, the Ground floor will be allotted to the petitioner herein. He further submits that, the first floor was allotted to the 5th and 6th respondent in W.P.No.8166 of 2017, without obtaining valid sanction and approval from the local authority of building license and planning approval, they encroached the northern side of the vacant land of the quarters and put up construction illegally and unauthorisedly on 27.11.2015. The petitioner has put up construction and has been in possession and enjoyment of the same . While so, the 5th and 6th respondents was creating disturbance for the peaceful possession and enjoyment of the petitioner's property and threatening

the petitioner with dire consequences. Hence, the petitioner lodged several complaints to the respondent police. Since, no action has been taken, the petitioner has filed the present petition with the aforesaid prayer.

3. The learned Government Advocate (Crl.Side) 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 M/s. P.Bacyalakshmi learned Counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl.Side) for the respondent 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.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mpa/vsn

To

1.The Inspector of Police,
J12-Kanathur Police Station,
Kancheepuram District-603 112.

2.The Public Prosecutor,
High Court Madras.

+1cc to Ms.P.Bacyalakshmi , Advocate SR.No. 28489

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A.SK(15/05/2019)