

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6089 of 2019

IM.Sekar

.. Petitioner

Vs

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

2. The State Rep. by
The Inspector of Police,
Auroville Police Station,
Villupuram District.

3. K.Adhikesavan,

4. A.Prakash

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to provide necessary police protection to the petitioner.

For Petitioner : Mr.K.Myilsamy

For RR1 & 2 : Mr.C.Raghavan,
Government Advocate (Crl.side)

सत्यमेव जयते
O R D E R

This petition has been filed seeking for police protection.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.26 of 2017 before the Judicial Magistrate, Vannur. In the said suit, the petitioner has filed I.A.No.182 of 2017, seeking for permanent 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 respondents 3 and 4 along with henchmen attacked the petitioner with an intention to grab the property of the petitioner. Therefore, the petitioner gave a complaint to the respondent police and F.I.R. was registered against the respondent 3 and 4 for the offences under Sections 294(b), 323, 324 and 506(ii) IPC and the same is pending. Whiles, to evade from the clutches of law, the respondents 3 and 4 lodged a false complaint against the petitioner on the same day and threatening the petitioner with dire consequences. Hence, the petitioner has filed the present petition seeking for police protection.

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.K.Myilsamy, learned Counsel for the petitioner and Mr.C.Raghavan, learned Additional Public Prosecutor for the respondents 1 and

6. The petitioner in this case has admittedly obtained an order of injunction against the respondents 3 and 4. The respondents 3 and 4 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 (CS-VI)

//True Copy//

Sub Assistant Registrar

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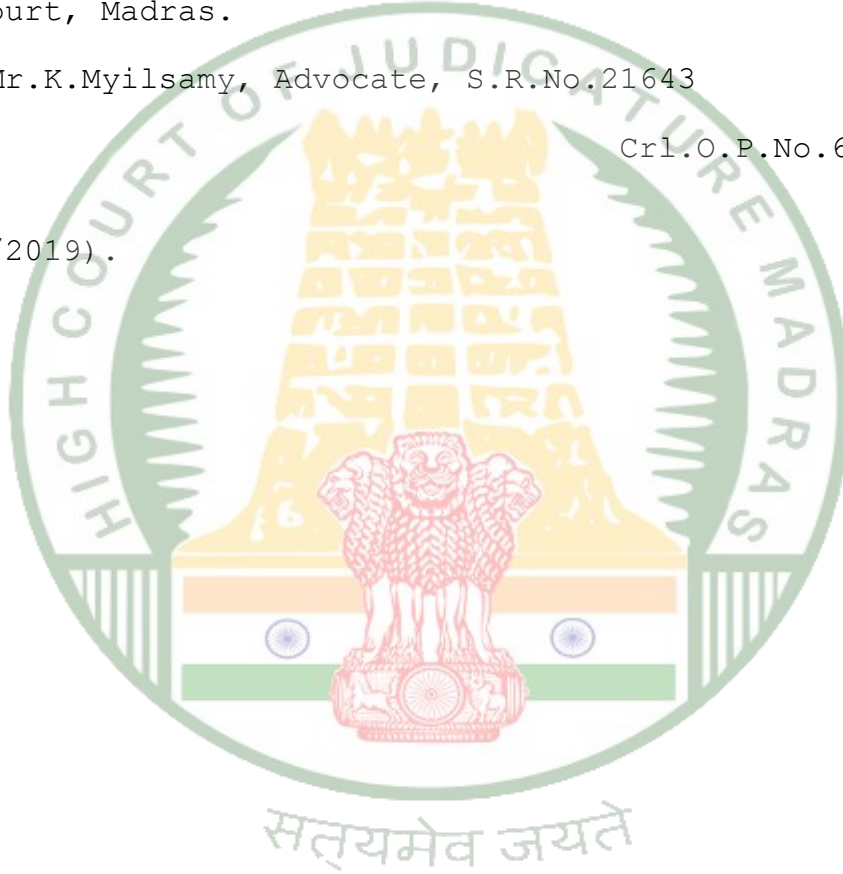
To

1. The Superintendent of Police,
Villupuram,
Villupuram District.
2. The State Rep. by
The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.Myilsamy, Advocate, S.R.No.21643

CrI.O.P.No.6089 of 2018

AD(CO)
SSM(05/04/2019).



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