

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6812 of 2019

N.Chakravarthy

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,  
Chidambaram,  
Cuddalore District.

3.The Inspector of Police,  
Kattumannarkoil,  
Cuddalore District.

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to give a police protection to the petitioner based upon his complaint dated 27.02.2019 vide C.S.R. No. 113 of 2019 as against one Sivakani, Son of Nataraja Padyatchi.

For Petitioner : Mr.R.Ramesh  
For Respondents : Mr.C.Raghavan  
Govt. Advocate (crl.Side)

**ORDER**

This Criminal Original Petition has been filed seeking for a direction to the respondents to give a police protection to the petitioner based upon his complaint dated 27.02.2019 vide C.S.R. No. 113 of 2019 as against one

2. It is seen from records that the petitioner has already filed a several suits against the courtier part. In this regard, the petitioner has also filed S.A.No.855 of 2018, 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 in spite of the interim order passed, the respondent in the said second appeal was continuously interfering the possession and enjoyment of the petitioner and causing threat to the petitioner and therefore, the petitioner gave a complaint to the respondents 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.Ramesh learned Counsel for the petitioner and Mr.C.Raghavan, learned Govt. Advocate (Crl.Side) for the respondents police.

6. The petitioner in this case has admittedly obtained an order of injunction against the respondent. The respondent is 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. Considering the facts and circumstances of the case, this Court inclined to direct the respondents police to conduct an enquiry with the counter party based on the petitioner's complaint dated 27.02.2019 vide C.S.R. No. 113 of 2019 and pass orders within a period of two weeks from the date of receipt of a copy of this order.

8. In view of the above, this Criminal Original Petition is disposed of.

14.03.2019

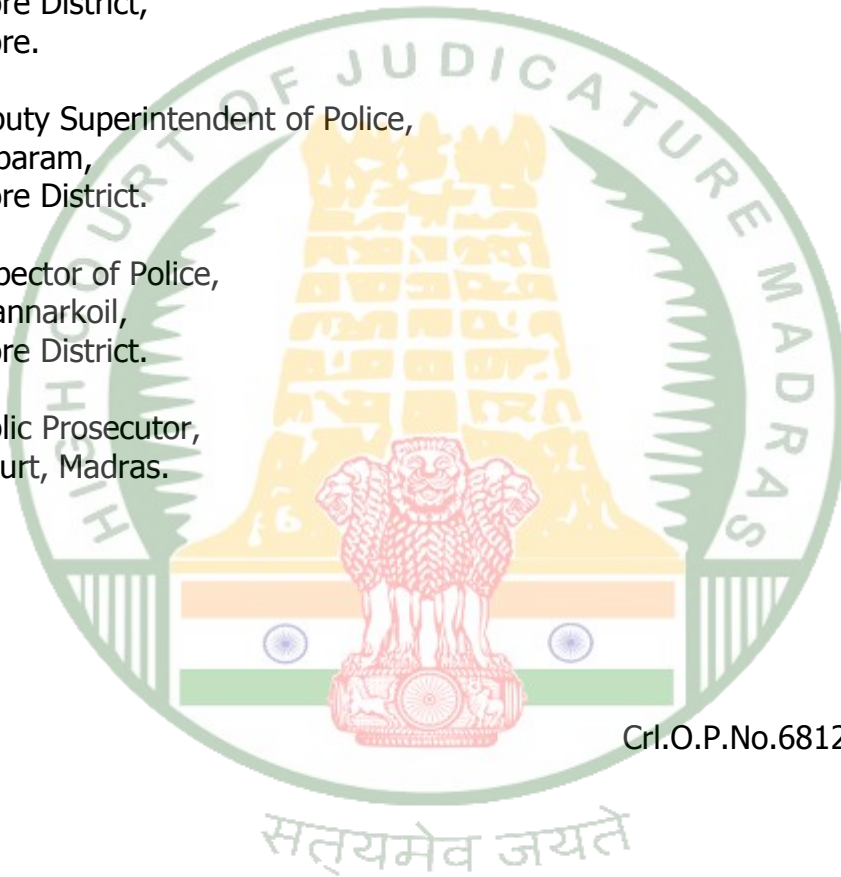
Internet: Yes  
Index: Yes/No  
vsn

**G.K.ILANTHIRAIYAN, J.**

vsn

To

- 1.The Superintendent of Police,  
Cuddalore District,  
Cuddalore.
- 2.The Deputy Superintendent of Police,  
Chidambaram,  
Cuddalore District.
- 3.The Inspector of Police,  
Kattumannarkoil,  
Cuddalore District.
- 4.The Public Prosecutor,  
High Court, Madras.



Crl.O.P.No.6812 of 2019

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