

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7881 of 2019

1. A.M.Rathinam (Vice President),
Proprietor M/s.Sri Surya Movies,
No.1, Velavan Stret, Valasaravakkam,
Chennai-600 087.
2. Ka.Kalaikottuthayam (Vice President),
Managing Director M/s.Tamilan Kalaikoodam,
No.3, Alwar Thirunagar, 5th Street,
Virugambakkam,
Chennai-600 092.
3. Pa.Sambath Kumar (Vice President),
Proprietor M/s.Srinandeeswarar Movies,
No.18, 3rd Street, Nandhivaram,
Guduvancherry, Chennai-603 202.
4. P.Duraiswamy (Secretary),
Proprietor, Vijay Entertainments,
No.24/57, Mahadevan Street,
West Mambalam, Chennai-600 033.
5. M.Jambu (Secretary),
Proprietor, JJR Films,
No.7, NSK Salai, AVM Cine Lab,
(AVM Studio), Vadapalani,
Chennai-600 026.
6. K.Nandagopal Chetty (Treasurer),
No.3, Thatha Mathiappan Street,
Chennai- 600 001.
7. G.Sekhar,
Proprietor M/s Phoenix Entertainment,
No.67/32, Meenakshi Illam,
Appaswamy Koil Street, Mylapore,
Chennai - 600 004.
8. T.Kulanchiappan,
Proprietor M/s R.K.Movies,
No.17/1, First Street, Alwarpet,
Chennai-600 018.

9. S.Mohamed Farook
Proprietor M/s.Bright Combines,
No.25, Kannadasan Street,
T.Nagar, Chennai-600 017.
 10. N.Bakkirisamy
Partner, M/s.Cosmos Creations Ayswarya Illam,
Plot No.25, Sulochana Nagar,
Mulivakkam, Kundrathur Road, Porur,
Chennai-600 093.
 11. Ashok
Proprietor M/s.T.K.P. Pictures,
No.4, Salim Crescent Park,
2 and 3, 1st Cross Street,
Kamaraj Street Gandhi Nagar,
Saligramam, Chennai-600 093.
 12. Ghanshyam Hemdev,
Partner Sree Devi Video Corporation,
New No.5, Old No.3, Muktha Gardens,
Spurtank Road, Chetpet, Chennai-600 031.
 13. Madurai Selvam
Proprietor Selvalaya Cine Creations,
No.4/22, Rayala Nagar, 3rd Main Road,
Ramapuram, Chennai-600 089.
 14. R.Kamalanathan
Proprietor KSP Films,
No.42, 2nd Street
Postal Audit Colony, Saligramam
Chennai-93.
- ... Petitioners

Vs.

1. The Commissioner of Police
Chennai.
2. The Deputy Commissioner of Police,
Chennai.
3. The Assistant Commissioner of Police,
Chennai.
4. The Inspector of Police
R-1 Mambalam Police Station,
T. Nagar, Chennai-17.

Prayer :- Criminal Original Petition filed under Section 482
Cr.P.C. to direct the fourth respondent to provide police

protection to all the 14 petitioners to enter the association premises and to discharge their duties.

For Petitioners : Mr.A.Imamuddin

For Respondents : Mr.C.Raghavan
Government Advocate (Crl. Side)

For Respondent : M/s. R.Maheswari for Intervener

O R D E R

This petition has been filed seeking police protection to all the 14 petitioners to enter the association premises and to discharge their duties.

2. It is seen that the petitioners have already filed a civil suit before the Court below in C.S.No.512 of 2018. In the said civil suit, the petitioners have filed in O.A.Nos.707 and 709 of 2018 in A.No.5822 of 2018, seeking for interim injunction restraining the defendants from interfering the peaceful possession and enjoyment of the petitioners' association premises. The Court below has also granted an order of injunction in favour of the petitioners.

3. The learned counsel for the petitioner would submit that in spite of the interim order passed, the respondents are continuously interfering with the peaceful possession and enjoyment of the petitioners' association premises and they are 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 civil suit is pending before the Court below.

5. Heard Mr.A.Imamuddin, learned Counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate [Crl. Side] for the respondent police.

6. It is seen that the respondents filed in O.S.A.No.371 of 2018 in which, the Hon'ble Division Bench of this Court by an order dated 12.09.2018 have granted an interim direction to the petitioners as well as the respondents herein, shall not conduct any meeting to precipitate issue. Thereafter, by an order dated 18.12.2018, this Court was appointed a retired Judge of this Court suggestion of the mediator issue between the petitioners

and the counterpart.

7. Accordingly, the mediation was conducted and finally, the Mediator is directed both the parties to appear before the court and get suitable orders for implementing the same. The petitioners come to the conclusion that they have suggested for amicable settlements between the parties. Some of the suggestions, both the parties have agreed and some of the parties they have not agreed. Finally, the Mediator is directed both the parties to submit a report before the court and get suitable orders for implementing the same, which has to be suggested by the Mediator before this Court.

8. The petitioners in this case have admittedly obtained an order of injunction against the respondents. The respondents are continuously interfering the possession and enjoyment of the petitioners' association premises. 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 C.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.

9. In view of the above, this Criminal Original Petition is disposed of, by giving liberty to the petitioners to workout his remedy before the Court below in the manner indicated herein above.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

msm

To

- 1.The Commissioner of Police
Chennai.
- 2.The Deputy Commissioner of Police,
Chennai.
- 3.The Assistant Commissioner of Police,
Chennai.

4.The Inspector of Police
R-1 Mambalam Police Station,
T. Nagar, Chennai-17.

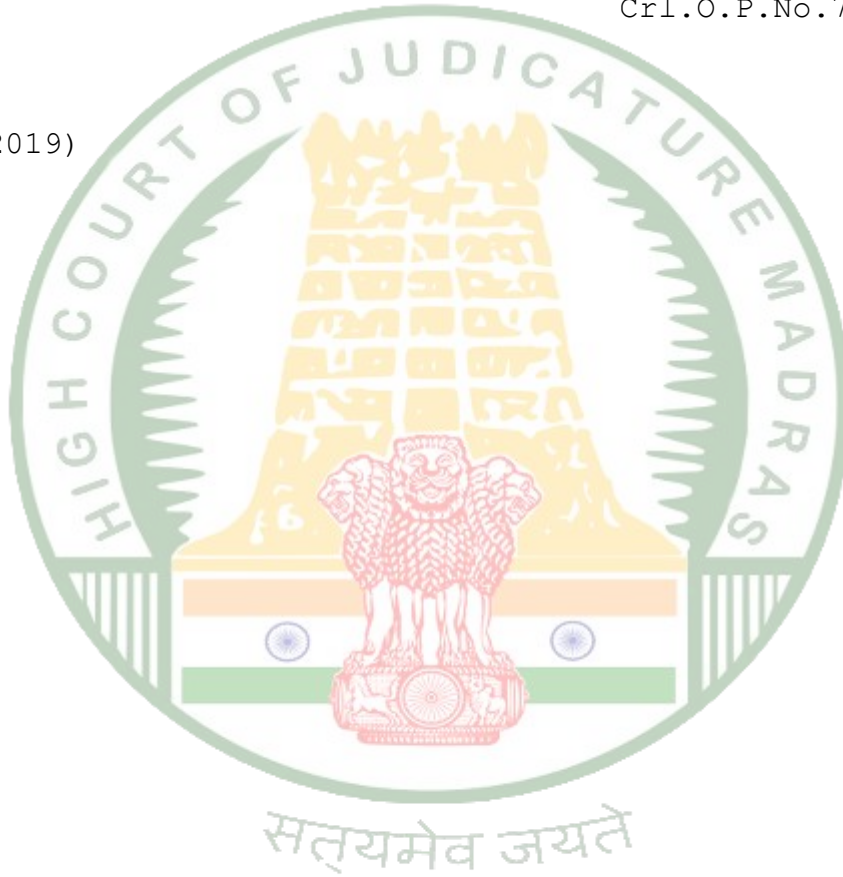
5.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.A.Imamuddin, Advocate, S.R.No.28435
+1cc to Mr.R.Maheswari, Advocate, S.R.No.27977

Cr1.O.P.No.7881 of 2019

AK (CO)

RRS (28/3/2019)



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