

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8016 of 2019

R.Kandaswamy

... Petitioner

Vs

1.The State rep by

The Superintendent of Police,
District Police Office,
Nagapattinam and District.

2.The State rep by

The Deputy Superintendent of Police,
DSP Office,
Vedaranyam,
Nagapattinam District.

3.The State rep by

The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C, to direct the respondents to give police protection to the petitioner in view of the decree and judgement passed in O.S.No.203 of 2008 dated 20.8.2008 for the peaceful enjoyment of the suit property belonging to the petitioner.

For Petitioner : Mr.K.M.Subrahmaniam

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

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.203 of 2008 before the District Munsif Court, Vedaranyam 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 permanent injunction in favour of the petitioner.

3. The learned counsel for the petitioner would submit that in spite of the order passed, the defendants are continuously interfering the possession and enjoyment of the petitioner and they are causing threat to the petitioner and therefore, the petitioner 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 Government Advocate (Crl.Side) would submit that the respondent police cannot give police protection.

5. Heard Mr.K.M.Subrahmaniam learned Counsel for the petitioner and Mr.C.Raghavan learned Government Advocate (Crl.Side) for the respondents police.

6. The petitioner in this case has admittedly obtained an order of permanent injunction against the defendants. The defendants 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/-

सत्यमेव जयते
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mpa/vsn

To

1.The Superintendent of Police,
District Police Office,
Nagapattinam and District.

2.The Deputy Superintendent of Police,
DSP Office,
Vedaranyam,
Nagapattinam District.

3.The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.M.Subramaniam, Advocate SR.29068

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srg 02/05/2019



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