

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.8558 of 2019

R.Arockia Mary

...Petitioner

-Vs-

State Rep. by

1.The Commissioner of Police,
Greater Chennai Police,
EVR Periyar Salai,
Vepery,
Chennai - 600 007

2.The Inspector of Police,
Law and Order,
H-1 Police Station,
Washermenpet,
Chennai - 600 021

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to issue direction to the 2nd respondent to restore the possession of the petitioner's situated at Door No.147, "F" Block, Second Floor, West Cemetery Road, Old Washermenpet, Chennai - 600 021.

For Petitioner : Mr.G.Rajan
For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The criminal original petition has been filed to issue direction to the 2nd respondent to restore the possession of the petitioner.

2. The learned Additional Public Prosecutor would submit that already counter party got injunction against the petitioner in O.S.No.1231 of 2019, which is pending in respect of the same property. Even as per the complaint given by the petitioner, enquiry in C.S.R.No.179 of 2019 was conducted and subsequently closed. Therefore, the prayer sought for by the petitioner cannot be granted.

3. It is seen that there is a civil dispute between the petitioner and the counter party. Even the counter party has obtained injunction against the petitioner in a civil suit stating that the petitioner is disturbing their possession. Therefore, the prayer sought for by the petitioner cannot be considered. However, the petitioner is at liberty to approach the civil court for appropriate relief.

4. With the above observations, this criminal original petition is dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Greater Chennai Police,
EVR Periyar Salai,
Vepery,
Chennai - 600 007
- 2.The Inspector of Police,
Law and Order,
H-1 Police Station,
Washermenpet,
Chennai - 600 021
- 3.The Additional Public Prosecutor,
High Court of Madras

+1cc to Mr.G.Rajan , Advocate SR.No. 39149

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A.SK(24/06/2019)

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