

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8716 of 2019

M.Noorullah

... Petitioner

Vs

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

2.The Inspector of Police,
Kattumannarkoil Police Station,
Kattumannarkoil, Cuddalore(Dt).

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to provide police protection to the petitioner as and when required.

For Petitioner : Mr.Ramprabu

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

This petition has been filed seeking for police protection.

2. It is seen from records, there is a Civil Suit pending as against the petitioner in O.S.No.110 of 2018 before the learned Principal Sub Judge, Chidambaram.

3. The learned counsel for the petitioner would submit that the defacto complainant 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 2nd respondent police in Crime No. 5 of 2019 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 2nd 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.Ramprabu learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents police.

6. 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

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Subordinate Judge,
Chidambaram.

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

3.The Inspector of Police,
Kattumannarkoil Police Station,
Kattumannarkoil, Cuddalore (Dt)

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Ram Prabhu, Advocate Sr.31273

CrI.O.P.No.8716 of 2019

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srg 22/05/2019