

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.18452 of 2018

S.Saraswathi

.. Petitioner

Vs

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

2.The Inspector of Police,
Harur Police Station,
Dharmapuri District.

3.CKR.Selvam

4.Mohan Chetiyar

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent herein to give police Protection for the petitioner and her property by considering her representation dated 09.07.2018.

For Petitioner : Mr.R.Jayaprakash

For Respondents

For R1 & R2 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

For R3 to R4 : Mr.R.G.Narendhiran

O R D E R
सत्यमेव जयते

This Criminal Original Petition has been filed to direct the respondent police to give police protection.

2.It is seen from records that the petitioner has already filed a suit in O.S.No.48 of 1998 before the learned District Munsif, Harur and the same was also decreed in favour of the petitioner by an order dated 21.12.2001 and the said property was handed over to the petitioner for their peaceful possession and enjoyment of the their property.

3.The learned counsel for the petitioner would submit that in spite of the decree passed, the respondents 3rd and 4th 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, the civil dispute between the parties.

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 dispute between the parties are civil in nature.

5. Heard Mr.R.Jayaprakash learned Counsel for the petitioner and Mr.M.Mohamed Riyaz learned Additional Public Prosecutor for the 1st and 2nd respondent police and Mr.R.G.Narendhiran, learned counsel for the 3rd and 4th respondent.

6. Admittedly, the petitioner obtained a decree in O.S.No.48 of 1998 by an order dated 21.12.2001. Eventhough, The respondents 3rd and 4th 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/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

vv2

To

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

2. The Inspector of Police,
Harur Police Station,
Dharmapuri District.

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3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Jayaprakash, Advocate, S.R.No.18591
+lcc to Mr.R.G.Narendhiran, Advocate, S.R.No.18332

Crl.O.P.No.18452 of 2018

EV(CO)

RRS (02/04/2019)



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