

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.18735 of 2019

P.Ponnammal

...Petitioner

.Vs.

1.The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam, Namakkal District.

2.M.Ramakrishnan

..Respondents

[R-2 is impleaded as per order in
Crl.MP.No.10466 of 2019 in
Crl.OP.No.18735 of 2019 dt.30.07.2019)

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to provide the necessary police protection for only 15 days for the purpose of harvesting and transporting the cultivated sugar cane crops on the basis of the representation sent on 04.07.2019.

For Petitioner : Mr.A.J.Mohamed Kassim

For 1st Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

For 2nd Respondent : Mr.N.Manokaran

ORDER

This Criminal Original Petition has been filed seeking for police protection to enable the petitioner to harvest and transport the Sugar cane crops from the property.

2.It is seen from records that there is already a civil suit pending between the parties in O.S.No.104 of 2016. The petitioner claims that there is an interim order passed in favour of the petitioner and the counter party is violating the said order and he is stopping the petitioner transporting the cultivated Sugar cane. The petitioner approached this Court last year seeking for the same relief and this Court granted the relief and made it very clear that it will be a onetime measure, without prejudice to the contentions raised by both sides in pending civil suit. The petitioner has now approached this Court seeking for similar relief.

3.The learned counsel for the petitioner submitted that even though the suit is pending, the interim order has been passed in favour of the petitioner, and the same is violated by the 2nd respondent and the petitioner is prevented from transporting the Sugar cane from her property. The learned counsel therefore submitted that the petitioner may be given police protection this year also to enable her to harvest and transport the Sugar cane and if such relief is not granted by this Court, the petitioner will be put to irreparable loss and hardship.

4.The learned counsel appearing on behalf of the 2nd respondent submitted that the petitioner is trying to create evidence by approaching this Court every year and is seeking for the relief of transporting the Sugar cane through the disputed property and thereby the 2nd respondent is put to prejudice in the pending proceedings. The learned counsel submitted that there is no interim order in favour of the petitioner and the petitioner has to necessarily work out her remedy only in the pending suit and the police cannot interfere with the dispute.

5.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent Police.

6.Taking into consideration the facts and circumstances of the case, this Court is not inclined to grant the relief as sought for by the petitioner. This Court made it very clear even while passing orders in CrI.OP.No.21438 of 2018, that the interim relief granted by this Court was only a onetime measure. This would mean that the petitioner cannot be knocking the doors of this Court repeatedly every year. If at all, the petitioner has any grievance against the 2nd respondent to the effect that the 2nd respondent is violating any interim orders, the petitioner has to file an appropriate application in the pending suit and seek for the relief. The petitioner cannot be permitted to parallelly invoke the jurisdiction of this Court under Section 482 of Cr.P.C., and seek for police protection with regard to the property. It is left open to the petitioner to file an appropriate application in the pending suit and seek for the necessary relief and the Civil Court shall decide the same on its own merits and in accordance with law.

In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam,
Namakkal District.

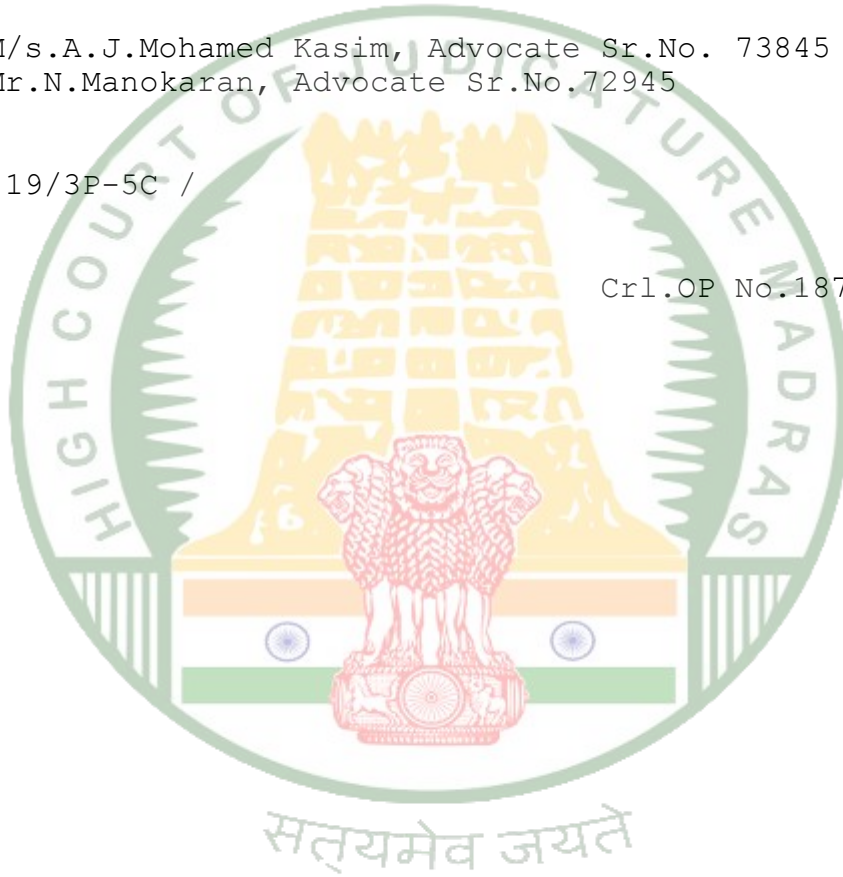
2.The Public Prosecutor,
High Court of Madras,
Madras.

+1 cc to M/s.A.J.Mohamed Kasim, Advocate Sr.No. 73845

+1 cc to Mr.N.Manokaran, Advocate Sr.No.72945

AKM/17.09.19/3P-5C /

Crl.OP No.18735 of 2019



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