

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.18494 of 2019

S.Raju

... Petitioner

Vs.

1.State rep.by,
Inspector of Police,
Bhavani Town, Bhavani,
Erode District-638 301.

2.C.Selvam

3.B.A.Chellappan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st Respondent to provide police protection to the petitioner and for his property bearing No.81, Kamaraj Nagar, Bhavani Village, Bhavani Town, Bhavani Taluk, bearing survey No.757/2 measuring to an extent of 0.8.50 Hectare or 21 cents.

For Petitioner : Mr.G.V.Sridharan

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the respondent police to provide police protection to the petitioner and his property.

2.It is seen from records that there is already a civil suit pending in O.S.No.37 of 2018 before the Additional District Judge, Bhavani.

3.The learned Counsel for the petitioner submitted that inspite of the pendency of the suit, the counter party is causing threat and is attempting to trespass into the property. Therefore the complaint was given by the petitioner to the first respondent which was taken on file in C.S.R.NO.274 of 2018 and since no action has been taken, the present petition has been filed before this Court.

4.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5.There is already a civil suit pending between the parties, therefore the petitioner has to necessarily workout his rights only before the Competent Civil Court and he cannot parallely be permitted to move this Court under Section 482 of Cr.P.C. It will even be open to the petitioner to seek police protection before the Civil Court where the suit is pending. The Civil Court will be able to appreciate the case even better since the entire materials are before the Court and the parties are also before the Court.

6.This Criminal Original Petition is disposed of by giving liberty to the petitioner to workout his remedy before the Civil Court in accordance with law.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

jas/vs
To

1. Inspector of Police,
Bhavani Town, Bhavani,
Erode District.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.G.V.Sridharan, Advocate sr 58753.

Cr1.O.P.No.18494 of 2019

GP (CO)
SP (02/08/2019)

WEB COPY