

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.26924 of 2017

Mr.P.Chinnappan

...Petitioner

Vs.

1.State rep. by Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai -600106

2.Mr.Kanniappan

3.Mrs.Rajeswari

(R2 & R3 are impleaded as per the order of this
Court dated 19.12.2017 made in
Crl.Mp.No.16066 of 2017)

4.Thirukailaya Parambarai Thiruvaduthurai Adheenam,
Thiruvaduthurai, Mayuram Taluk,
thanjavur District.

(R4 is impleaded as per the order of this Court
dated 26.02.2018, made in Crl.M.P.No.2909 of 2018)

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C, to direct the respondent police to give police
protection.

For Petitioner : Mr.D.Chandrasekar

For R1 : M.Mohamed Riyaz
Addl. Public Prosecutor

For R3 : Mr.Rajendran

O R D E R

This petition has been filed under Section 482 of
Cr.P.C, 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.5339 of 1988 before the learned X Assistant Judge, City Civil Court, Madras and the same was also decreed in favour of the petitioner by an order dated 27.01.2005 and the said property was handed over the petitioner for thier 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 2nd and 3rd 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. D.Chandrasekar learned Counsel for the petitioner and M. M.Mohamed Riyaz learned Additional Public Prosecutor for the respondent police.

6.Admittedly, the petitioner obtained a decree in O.S.No.5339 of 1988 by an order dated 27.01.2005. Eventhough, The respondents 2nd and 3rd 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

//True Copy//

Sub Assistant Registrar

vsn/msm

To

1. Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai -600106

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.26924 of 2017

nr 21/03/2019



WEB COPY