

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.34285 of 2019

R.Mohandass

... Petitioner

Vs.

1. State rep.by

The Inspector of Police,
Nattrampalli Police Station,
Vellore District.

2. Ramesh

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to direct the respondent to grant police protection on the complaint dated 04.11.2019 given by the petitioner and to provide protection to the petitioner and his belonging in Athurkuppam Village in S.No.390A/5E, Tirupattur Taluk, Vellore District.

For Petitioner : Mr.I.Periaswamy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent to provide police protection to him to enjoy the property situated in Survey No.390A/5E of Athurkuppam Village, Tirupattur Taluk, Vellore District.

2. The learned counsel for the petitioner has submitted that the second respondent herein had filed a suit in O.S.No.283 of 2013 against one Kamala Ammal who is the grand mother of the petitioner and the said suit was dismissed, as against the same, the second respondent had filed an appeal in A.S.No.20 of 2018 and the said appeal was also dismissed. He further submitted that the petitioner inherited the property from the said Kamala Ammal. He further submitted that even after loosing the case before the two courts, the second respondent is not

allowing the petitioner for enjoying the property. Therefore, he has submitted a petition before the first respondent on 04.11.2019 for seeking police protection, but, the first respondent has not taken any action against the said complaint.

3. The learned Additional Public Prosecutor has submitted that since it is a civil dispute, the police cannot give police protection to the petitioner and his property.

4. Even as per the averments made in the petition, it was only the second respondent who has filed a suit and it was dismissed and the appeal filed by him was also dismissed, but, it does not mean that the petitioner's or his predecessor in title namely Kamala Ammal's right was declared by the Civil Court. The petitioner has to file a suit before the Civil Court and obtain injunction and thereafter if he feels that the police protection is necessary, he can obtain the said order from the same court by filing a petition under Section 151 of C.P.C and instead of that he cannot approach this court.

5. With the aforesaid observations, this petition is disposed of.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Vv

To

1. The Inspector of Police,
Nattrampalli Police Station,
Vellore District.

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

Crl.O.P.No.34285 of 2019

nr 31/01/2020