

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.22820 of 2018

1.S.Parvathi

2.M.Ranganayagi

.. Petitioners

Vs

1. The Commissioner of Police,
Office of the Commissioner of Police,
Periyar Thidal (Opp) Vepery, Chennai - 600 007.

2. The Inspector of Police,
R-10 Police Station,
M.G.R.Nagar, Chennai - 600 078.

3. V.Alamelu

.. Respondents

Prayer:-

Criminal Original Petition filed under Section 482 Cr.P.C. to directing the second respondent to give provide police protection to the petitioners to evict the trespasser V.Alamelu having illegal possession in petitioners' property at Plot No.10 'D' Block Manju Garden, No.9/10, Pillayar Koil Street, Nesapakkam, Chennai and taken action or the petitioners' complaint dated on 05.09.2018 and 07.09.2018.

For Petitioners : Mr.R.Arunkumar

For Respondents 1 & 2 : Mr.M.Mohamed Riyaz
Addl.Public Prosecutor

For Respondent 3 : Mr.M.Rajendiran

O R D E R

This petition has been filed seeking for police protection.

2. It is seen from records that the petitioners lodged a complaint to the respondents 1 and 2 seeking police protection to evict the third respondent from illegal possession in the

petitioners' property at Plot No.10 'D' Block Manju Garden, No.9/10, Pillayar Koil Street, Nesapakkam, Chennai.

3. The learned counsel for the petitioner would submit that the third respondent filed a suit for injunction as against the petitioners in O.S.No.2370 of 2013 on the file of learned XII Assistant City Civil Court, Chennai and the same was dismissed on 08.09.2016. Thereafter, the petitioners lodged an online complaint on 05.09.2018 and another complaint through registered post on 07.09.2018 to the respondents 1 and 2 seeking police protection to evict the third respondent from the petitioner's property. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection, since the case is civil in nature.

5. Heard Mr.R.Arunkumar, learned Counsel appearing for the petitioners and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent police and Mr.M.Rajendiran, learned counsel appearing for the third respondent.

6. Admittedly, the suit for injunction as against the petitioners in O.S.No.2370 of 2013 filed by the third respondent is dismissed by the trial court. The petitioners cannot evict the third respondent, pursuant to the dismissal of injunction suit filed by the third respondent as against the petitioners. The issue between the petitioners and the third respondent is civil in nature. Therefore, police protection cannot be granted to the petitioners to evict the third respondent from the petitioners' property. However, the petitioners are at liberty to approach competent Civil Court with an appropriate petition for appropriate relief.

7. In view of the above, this Criminal Original Petition is disposed of, by giving liberty to the petitioners to workout their remedy before the Court below in the manner indicated herein above.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

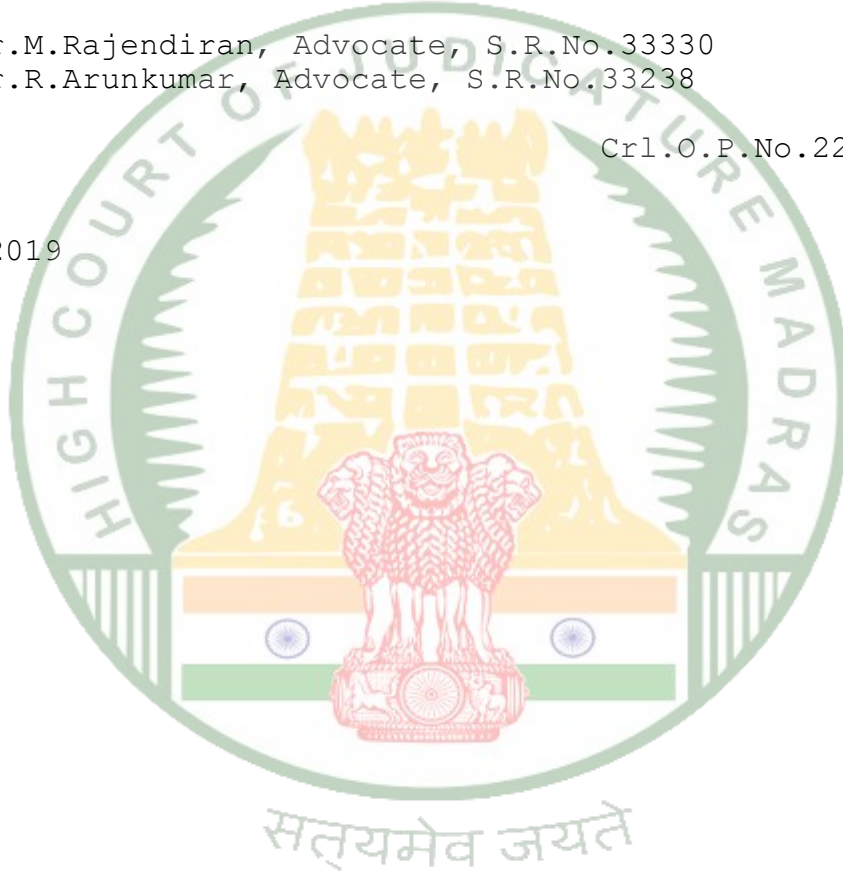
1. The Commissioner of Police,
Office of the Commissioner of Police,
Periyar Thidal (Opp) Vepery, Chennai - 600 007.
2. The Inspector of Police,
R-10 Police Station,
M.G.R.Nagar, Chennai - 600 078.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Rajendiran, Advocate, S.R.No.33330

+2cc to Mr.R.Arunkumar, Advocate, S.R.No.33238

Crl.O.P.No.22820 of 2018

AK(CO)
CS/04/06/2019



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