

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.01.2019
CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.24259 of 2018

M.Sampath

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Washermenpet Division,
H-5, New Washermenpet Police Station,
Chennai-600 081.

2.The Assistant Commissioner of Police,
Royapuram Range,
N-1 Police Station,
Royapuram,
Chennai-600 013.

3. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai - 600 013.

4. K.R.Selvarajkumar ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 3rd respondent police to provide police protection to the petitioner for enjoying the property viz., Old Door No.8, New No.15(15/8), A.J.Colony, 1st Street, Royapuram, Chennai-600 013, measuring an extent of 800 sft, and comprised in old survey no.3477, new Survey No.3477/66, Block No.51, in Fort-Tondiarpet Village, Royapuram, Chennai- 600 013.

For Petitioner : M/s.T.Velumani

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1 to R3

Mr.K.Mageshwaran

and B.Udayasankari, for R4

O R D E R

This Criminal Original Petition has been filed seeking for police protection to the petitioner for enjoying the property without the interference of the 4th respondent.

2. The learned counsel for the petitioner would submit that the suit filed by the petitioner along with seven others in O.S.No.6700 of 2012, against the 4th respondent and another for the relief of declaration and permanent injunction has been decreed by the VI Assistant City Civil Court, Chennai, by judgment and decree dated 29.11.2017. In spite of the said decree, the 4th respondent is interfering with the possession and enjoyment of the property and is also causing threat to the petitioner. Therefore the present petition has been filed seeking for police protection. In this regard, a complaint has also been given to the respondent police on 08.10.2018 and CSR has also been issued in CSR No.497 of 2018.

3. The learned counsel appearing for the 4th respondent would submit that an appeal has been preferred against the judgment and decree in O.S.No. 6700 of 2012. That apart another suit in O.S.No. 589 of 2018 is also pending between the parties. Therefore, the learned counsel would submit that till the right of the concerned parties is finally decided by competent Civil Court, there is no question of police interfering with the matter.

4. It is seen from records that a civil dispute is pending between the parties. An appeal and also another suit in O.S.No.589 of 2018 is also pending. At this stage, the police cannot interfere with the dispute till a final decision is arrived at by a Competent Civil Court. The petitioner has to necessarily work out his remedy only before the Competent Civil Court and he can not maintain an independent petition before this Court, seeking for police protection.

5. In view of the above, this Court does not find any merits in this Criminal Original Petition. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Commissioner of Police,
Washermenpet Division,
H-5, New Washermenpet Police Station,
Chennai-600 081.

2.The Assistant Commissioner of Police,
Royapuram Range,
N-1 Police Station,
Royapuram,
Chennai-600 013.

3. The Inspector of Police,
N-2, Kasimedu Police Station,
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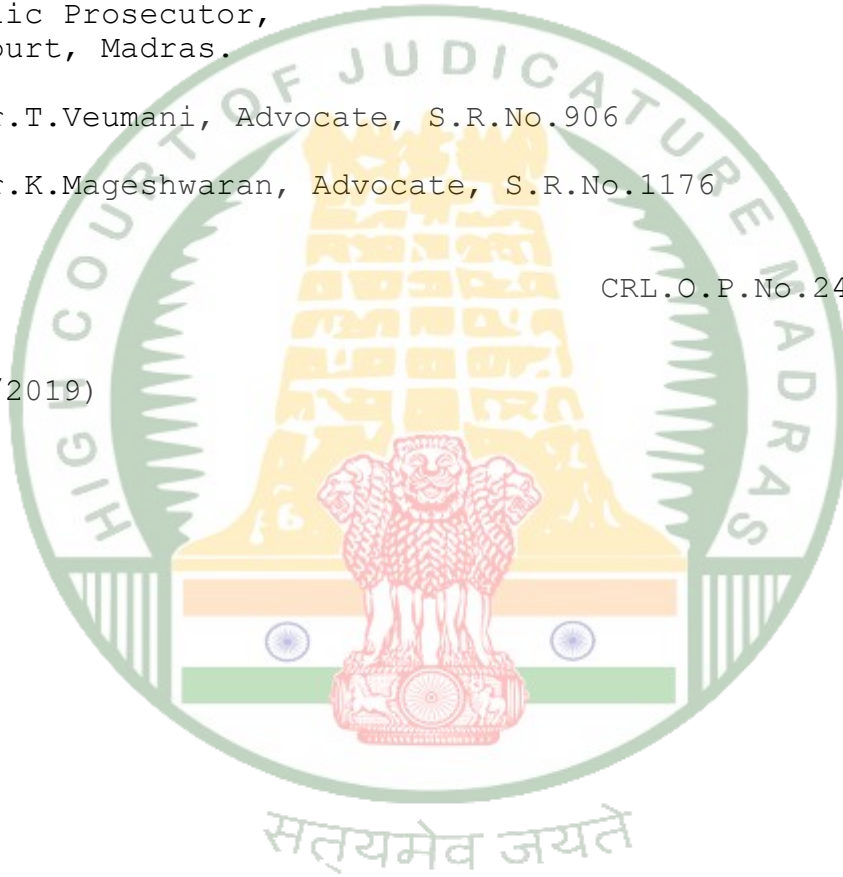
4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Veumani, Advocate, S.R.No.906

+1cc to Mr.K.Mageshwaran, Advocate, S.R.No.1176

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VGI (CO)
GSP (05/02/2019)



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