

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 04.06.2019****CORAM****THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN****Crl.O.P. (MD)No.7153 of 2019****WEB COPY**

D.Sundari

... Petitioner

Vs.

1. The Commissioner of Police
Tirunelveli City
Tirunelveli
2. The Inspector of Police
Palayamkottai Police Station
Tirunelveli

3.Irin Julie

... Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to give adequate police protection to the petitioner and his family members life and liberty by considering his representation dated 11.05.2019.

For Petitioner : Mr.R.Krishnan
For Respondents 1& 2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to give adequate police protection to the petitioner and his family members.

2. The grievance of the petitioner is that, earlier the third respondent has filed a suit and an Interlocutory Application in I.A.No.648 of 2018 in O.S.No.296 of 2018 for bare injunction against the petitioner and the said I.A., was dismissed by the Civil Court. Thereafter, the third respondent interfered with the petitioner's possession and hence, the petitioner lodged a complaint before the respondent police to evict the third respondent from the disputed property. Hence, the present application has been filed for police protection.

3.Heard the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

4.On perusal of records, it shows that it is a civil dispute pending between the petitioner and the third respondent. I.A.No.648 of 2018 was filed by the third respondent seeking for an injunction against the petitioner and the same was dismissed by the Civil Court. Based on that, the petitioner wants police protection



to assist the petitioner for evicting the third respondent from the property.

5. Since it is a civil dispute, the matter is pending before the Civil Court and hence, Police protection cannot be given to petitioner. It is not the duty of the police to assist the petitioner for evicting the third respondent from the disputed property. However, the petitioner is at liberty to approach the concerned Court to get proper order in accordance with law.

6. In the result, the Criminal Original Petition is dismissed.

sd/

Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police
Tirunelveli City
Tirunelveli
2. The Inspector of Police
Palayamkottai Police Station
Tirunelveli
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.KRISHNAN, Advocate (SR-67279[F] dated 07/06/2019)

Crl.O.P. (MD) No. 7153 of 2019

04.06.2019

msa

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