

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.2516 of 2020

W.David Shanthakumar

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai City,
Egmore, Chennai - 600 008.
2. The Deputy Commissioner of Police,
In-charge of
Chitlapakkam Police Station (S-12)
St. Thomas Mount,
Chennai - 600 016.
3. The Inspector of Police (L&O)
Chitalapakkam Police Station,
Jothinagar,
Chitlapakkam - 600 064.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to give adequate police protection to the petitioner and his family members in and around old Survey # 2/2B Town Survey # 4/13 of Nemilichery Village, English Electrical Nagar and by considering the petitioner representation dated 15.01.2020.

For Petitioner : Mr. C.Pavendhan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents to give police protection to the petitioner and his family members in and around old Survey No. 2/2B Town Survey No. 4/13 of Nemilichery Village, English Electrical Nagar and by considering the petitioner's representation dated 15.01.2020.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner has submitted that the petitioner is the owner of the aforesaid property and he inspected the properties regularly on a bi-weekly basis for planning construction and cleaning purposes. But some unknown persons claiming that they are members of the Rajinikanth Fans Association attempted to trespass into the petitioner's property and they prevented the petitioner from construction and hence the petitioner has lodged a complaint before the third respondent on 09.10.2019. He further submitted that since no action has been taken on the said complaint, the petitioner has filed a petition in Crl.O.P.No.2045 of 2020 before this Court. He further submitted that subsequently on 15.01.2020, the petitioner has sent complaint through on-line seeking police protection but on the said complaint also, the respondent has not taken any action and hence he requests to direct the third respondent to provide police protection to the petitioner and his family members and also his property.

4. Per contra, the learned Additional Public Prosecutor has submitted that the petitioner's complaint dated 09.10.2019 was closed on 13.12.2019 and challenging the same, the petitioner has filed Crl.O.P.No.2045 of 2020 before this Court and the same was closed on 27.01.2020 as already the petitioner's complaint was closed. He further submitted that the petitioner has sent another complaint through on-line on 15.01.2020 and the same was also closed on 01.02.2020. He further submitted that since the dispute is relating to properties, the petitioner has to approach the Civil Court to get appropriate relief and instead of that, he cannot approach this Court.

5. Considering the said submissions of the learned Additional Public Prosecutor that the complaints which were lodged by the petitioner were already closed by the third respondent and the Crl.O.P.No.2045 of 2020 was also closed by this Court on 27.01.2020 and also the fact that the dispute is relating to the property, and in the said disputed facts, this Court cannot interfere. The petitioner has to approach the Civil Court to approach the Civil Court to obtain injunction order from the Civil Court and if necessary for enforcing the same, he can file a petition before the same Court to direct the police to give police protection. Instead of that, he cannot approach this Court.

6. For the aforesaid reasons, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS II)

/true copy/
Sub Asst. Registrar

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To

1. The Commissioner of Police,
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2. The Deputy Commissioner of Police,
In-charge of
Chitlapakkam Police Station (S-12)
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Chitalapakkam Police Station,
Jothinagar,
Chitlapakkam - 600 064.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P. No.2516 of 2020

aa14/05/2020

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