

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 2318 of 2020

J.Mohanasundharam

... Petitioner

Vs.

1. The Commissioner of Police,
O/o.Commissioner of Police,
Periyar Thidal (Opp),
Vepery, Chennai - 600 007.
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai - 600 118.
3. L.Deenadayalan
4. Munusamy
5. M.Anandan
6. C.S.Ravi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to provide police protection to the petitioner on the basis of the petitioner's complaint dated 28.01.2020.

For Petitioner : Mr.R.Arunkumar

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 & R2

O R D E R

This petition has been filed for a direction to direct the second respondent to provide police protection to the petitioner on the basis of the petitioner's complaint dated 28.01.2020.

2. The learned counsel for the petitioner would submit that the respondents 3 to 6 are interfering the possession and enjoyment of the petitioner and they are causing threat to the petitioner and therefore, the petitioner gave a complaint to the respondents police seeking for police protection. Since the same was not considered, this petition has been filed

seeking for appropriate direction.

3. The learned Additional Public Prosecutor would submit that the the petitioner is an encroacher of temple land respondent. In this regard, there is a civil dispute pending between the petitioner and the private respondents 3 to 6. He would further submit that the police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

4. Heard Mr.R.Arunkumar, learned Counsel for the petitioner and Mr.Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents police.

5. The petitioner has to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction is given by a competent Civil Court.

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

Sd/-

Assistant Registrar(CO-MDU)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
O/o.Commissioner of Police,
Periyar Thidal (Opp),
Vepery, Chennai - 600 007.
2. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai - 600 118.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No. 2318 of 2020

RJI (CO)
CB(27/05/2020)