

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

CRL.O.P.No.3297 of 2020

S.Paulraj

....Petitioner

Vs.

1. The Assistant Commissioner of Police
Assistant Commissioner of Police Office,
Chennai 600 058.

2. The Inspector of Police
T1, Police Station
Ambattur,
Chennai 600 053.

3. N.Krishnamoorthy
Power Agent of S.V.Venkataraman
50, Harikrishna Naidu Street
Ambattur, Chennai 600 053.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 2 to provide police protection to the petitioner for peaceful possession and enjoyment and safety to the life the petitioner on the petition of the petitioner dated 06.12.2019.

For Petitioner : Mr.S.Radhakrishnan

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to direct the respondents 1 and 2 to provide police protection to the petitioner for peaceful possession and enjoyment of his property.

2. The learned counsel for the petitioner has submitted that the petitioner is the absolute owner of the land measuring 8 ½ cents situated in S.No.36/2A and Plot No.13 in Ambattur, Oragadam Village. He further submitted that the third respondent, who is the power agent of one S.V.Venkataraman has filed a suit against the petitioner herein in O.S.No.412 of 2003

on the file of the District Munsif, Ambattur, for the relief of permanent injunction and the said suit was dismissed. He further submitted that as against the dismissal of the said suit, an appeal was filed by the third respondent in A.S.No.65 of 2011 on the file of the Sub-Court, Poonamallee and the same was also dismissed and even thereafter, the third respondent is trying to grab the land of the petitioner and also threatening the petitioner. Hence, the petitioner has lodged a complaint before the second respondent on 06.12.2019 seeking police protection but, so far, no action has been taken on the said complaint and therefore, he prayed to direct the respondents 1 and 2 to provide police protection to the petitioner for enjoying his property peacefully.

3. Per contra, the learned Additional Public Prosecutor, who is appearing for the respondents 1 and 2 has submitted that merely because, the suit filed by the third respondent was dismissed by the Civil Court that it would not mean that the Civil Court has recognized the petitioner's right over the property. He further submitted that the petitioner has to file a civil suit before the Civil Court and establish his right and instead of that, he can not approach this Court seeking police protection.

4. Admittedly, the petitioner herein has not filed a suit in respect of his property. On the contrary, the third respondent has filed a suit and the same was dismissed and the Appellate Court also confirmed the same. Merely because, the suit which was filed by the third respondent was dismissed it cannot be presumed that the petitioner's right has been recognized by the Civil Court. If the petitioner is having problem with regard to the possession of his property, he has to approach the Civil Court and obtain necessary orders to protect his possession and thereafter, if necessary, he can seek police protection from the Civil Court itself, instead of that he cannot approach this Court.

5. With the aforesaid observations, this Criminal Original Petition is dismissed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

dna

To

1.The Assistant Commissioner of Police
Assistant Commissioner of Police Office,
Chennai 600 058.

2.The Inspector of Police
T1, Police Station
Ambattur,
Chennai 600 053.

3. The Public Prosecutor,
Puducherry.

+1 CC to Mr.S.Radhakrishnan, Advocate sr 12780

CRL.O.P.No.3297 of 2020

MR (CO)
SP (19/02/2020)



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