

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.4021 of 2020

R.Ganapathy

... Petitioner

Vs.

1. The State rep. By
The Inspector of Police,
Kullanchavadi Police Station,
Kullanchavadi,
Cuddalore District.

2. Devaraj
3. Narayanasami
4. Mohanraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondent police to give police protection to the petitioner by consideration his representation letter dated 09.10.2019.

For Petitioner : Mr. A.T.Anbu Kumar

For Respondents: Mr.M.Mohamed Riyaz, (for R1)
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to direct the first respondent police to give police protection to the petitioner for enjoying his property.

2. The learned counsel for the petitioner has submitted that the petitioner has purchased a property admeasuring an extent of Acre 0.57 in Survey No.30/11 at Kothandramapuram Village of Kullanchavadi, Cuddalore District under a registered sale deed dated 04.01.2019 and from that date, the petitioner is in possession and enjoyment of the said property. He further submitted that the respondents 3 and 4 are the sons of the

second respondent and since the second respondent has tried to trespass into the said property, the petitioner has filed a suit in O.S.No.23 of 2019 on the file of the learned II Additional Sub-Judge, Cuddalore for the relief of declaration of title and permanent injunction and the said suit was decreed as prayed for on 09.08.2019, but even thereafter, the respondents 2 to 4 are trying to disposes the petitioner from the aforesaid property and hence, the petitioner has lodged a complaint before the first respondent on 09.10.2019 seeking police protection for enjoying his property but so far, no action has been taken on the said complaint and therefore, he prayed to direct the first respondent to give police protection to the petitioner to enjoy his property.

3. Per contra, the learned Additional Public Prosecutor appearing for first respondent has submitted that since the petitioner claims that he already filed a suit before the Civil Court and got decree, he has to execute the said decree and if necessary, he can request the Execution Court to provide police protection for enforcing the said decree and instead of that, he cannot file this kind of petition before this Court.

4. Admittedly, the petitioner has filed a suit in O.S.No.23 of 2019 on the file of the II Additional Sub-Court, Cuddalore against the second respondent for the relief of declaration and permanent injunction, in respect of the property situated in Survey No.30/11 at Kothandramapuram Village of Kullanchavadi, Cuddalore District and that being so, he has to file an Execution Petition by invoking the provisions of Order 21 Rule 32 of C.P.C. If the Execution Court finds any difficulty in enforcing the decree, it can direct the police to provide police protection. Therefore, the petitioner can avail remedy before the Civil Court itself, and that being so, he cannot approach this Court by filing this kind of petition.

5. For the aforesaid reasons, this Criminal Original Petition is dismissed. सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

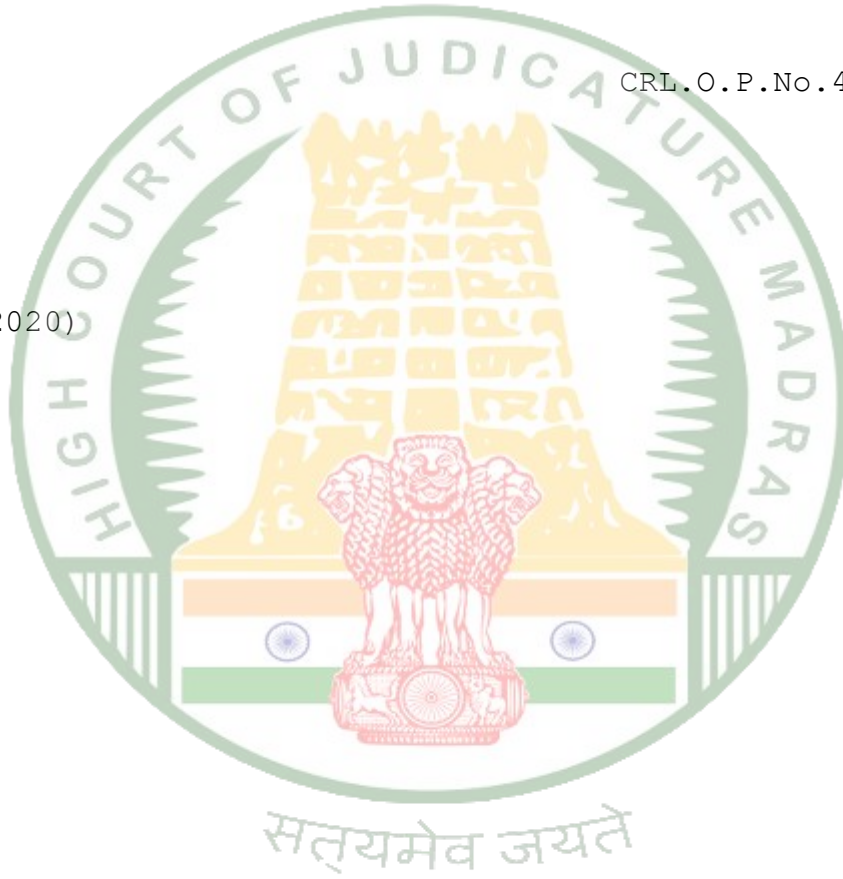
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To

1. The Inspector of Police,
Kullanchavadi Police Station,
Kullanchavadi,
Cuddalore District.
- 2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.4021 of 2020

BR (CO)
GS (26/05/2020)



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