



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.4562 of 2020

Prakasam

... Petitioner

Vs.

1.The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam,
Omalur Taluk, Salem District.

2.Mariappan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to direct the respondent police to provide police protection to the petitioner at Tharamangalam Village, Omalur Taluk, Salem District on the petitioner's representation dated 03.10.2019.

For Petitioner : Mr.T.Ganesan

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

ORDER

This petition has been filed to direct the first respondent to give police protection to measure the petitioner's property.

2. The learned counsel for the petitioner has submitted that the petitioner is having lands in Tharamangalam Village of Omalur Taluk. He further submitted that when the petitioner attempted to measure his lands, the second respondent, though he is not having any right in the said property, interfered and not allowed the petitioner to measure his property and hence the petitioner has submitted a representation before the first respondent on 20.09.2016 and based on the same, the first respondent has registered an FIR in Crime No.16 of 2016 and thereafter no action was taken on the said FIR. He further submitted that on 19.12.2016, the petitioner has submitted a representation before the first respondent seeking police protection for the purpose of fencing his lands and on the said representation also no



action taken and hence the petitioner has filed CrI.OP.No.2608 of 2017 before this Court to direct the police to give police protection. He further submitted that when the said petition came up for hearing on 24.04.2019, this Court has dismissed the said petition by observing that the said petition is pending for more than four years and also gave liberty to file after a fresh cause of action. After disposal of the said petition, the petitioner again attempted to put up fencing on 11.09.2019. At that time also the second respondent prevented the petitioner from put up fencing and hence the petitioner once again submitted a representation before the first respondent on 03.10.2019 and on the said representation also no action has been taken. Therefore he prayed to direct the first respondent to provide police protection to petitioner to measure his property and put up fence.

3. Per contra, the learned Additional Public Prosecutor who is appearing for the first respondent has submitted that since there is a dispute between the petitioner and the second respondent with respect to enjoyment of certain properties, the petitioner has to approach the Civil Court and obtain appropriate order and instead of that, he cannot approach this Court.

4. Admittedly, the dispute is pending from the year 2016, with regard to enjoyment of certain properties and in such a case the petitioner should have filed a Civil Suit before the Civil Court and establish his right. If he obtained any interim order from the Civil Court and at the time of executing the said order, if necessary, he can approach the same court to direct the police to provide police protection and instead of that, he should not approach this court. In the disputed facts, this Court cannot direct the police to give police protection.

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

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

drl



To

1. The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam,
Omalar Taluk, Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Ganesan, Advocate SR.No.17793

Cr1.O.P.No.4562 of 2020

VSN II (CO)
GMY (09/07/2020)