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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.4323 of 2020

Patchirajan

... Petitioner

Vs.

1.The Inspector of Police,
B-6, Peelamedu Police Station,
274, Avinashi - Coimbatore Road,
Peelamedu, Coimbatore.

2.G.C.Narayanan

3.Parthipan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to direct the first respondent to give police protection to the petitioner organisation namely Pasumpon Makkal Kazhagam, office at No.139, Ramalakshmi Nagar, Funmall Main Road, Near National Model School, Sowripalayam, Coimbatore on petitioner representation dated 13.01.2020.

For Petitioner : Mr.K.Gangadaran

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 the petitioner organization on petitioner's representation dated 13.01.2020.

2. The learned counsel for the petitioner has submitted that since the second respondent tried to interfere with the peaceful possession and enjoyment of the property, the petitioner has filed a suit in OS.No.1799 of 2017 on the file of the II Additional District Munsif, Coimbatore and also filed an application in I.A.No.188 of 2017 seeking interim injunction and in that petition the learned II Additional District Munsif, Coimbatore after hearing both sides has granted interim injunction on 11.10.2018 till the disposal of the suit. He further submitted that in violation of the said order, the respondents 2 and 3 are interfering with the petitioner's peaceful possession and enjoyment of the property and hence the petitioner has lodged a complaint before the



first respondent on 13.01.2020, but so far no action has been taken on the said complaint. Therefore, he requests to direct the first respondent to provide police protection to the petitioner to enjoy his property peacefully.

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3. Per contra, the learned Additional Public Prosecutor has submitted that if the respondents 2 and 3 disobeyed the order of injunction granted by the Civil Court, the petitioner has to file an application under Order 39 Rule 2-A of CPC before the same Court and get appropriate relief and instead of that, the petitioner cannot approach this Court.

4. According to the petitioner, he got an interim injunction before the Civil Court. If there is any disobedience of the said order, he has to file an application under Order 39 Rule 2-A of C.P.C to execute the said order and at the time of executing the said order, if the Civil Court finds any difficulty, it can by invoking Section 151 of Cr.P.C, direct the police to provide adequate police protection for enforcing the said order. When the petitioner is having remedy before the Civil Court itself, he should not approach this Court.

5. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

drl

To

1.The Inspector of Police,
B-6, Peelamedu Police Station,
274, Avinashi - Coimbatore Road,
Peelamedu, Coimbatore.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Gangadaran, Advocate, S.R.No. 17617

Cr1.O.P.No.4323 of 2020

AD(CO)
GN(01/07/2020)