

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.5095 of 2020

Manju @ Moddangulu Manju ...Petitioner

Vs.

1.State by the Inspector of Police,
T-10, Thirumullaivoyal Police Station,
EVR Nagammai Nagar,
Annanur Railways Cross Complex,
Annanur, Chennai 600 109.

2.Mrs.Kalyani ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Respondent herein to provide police protection for the life and safety of the Petitioner and her family members and servants in the petitioners property situated at No.14/3, 24th Street, Sivasakthi Nagar, Annanur Railways Cross Complex, Annanur, Chennai 600 109.

For Petitioner : Mr.R.Ramesh

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

ORDER

This petition has been filed seeking direction to the 1st Respondent herein to provide police protection for the life and safety of the Petitioner and her family members and servants in the petitioners property situated at No.14/3, 24th Street, Sivasakthi Nagar, Annanur Railways Cross Complex, Annanur, Chennai 600 109.

2. It is seen from records that the petitioner has seeking for interim injunction restraining the defendant from interfering the peaceful possession and enjoyment of the petitioner's property. The Court below has also granted an order of injunction in favour of the petitioner.

3. The learned counsel for the petitioner would submit that in spite of the interim order passed, the 2nd respondent is continuously 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 respondent police seeking for police protection. Since the

same was not considered, this petition has been filed seeking for appropriate direction.

4. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

5. Heard Mr.R.Ramesh, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the 1st respondent police.

6. The petitioner in this case has admittedly obtained an order of injunction against the 2nd respondent. The 2nd respondent is continuously interfering the possession and enjoyment of the petitioner. 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.

7. 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(CS-III)

//True copy//

Sub Assistant Registrar

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To

1.State by the Inspector of Police,
T-10, Thirumullaivoyal Police Station,
EVR Nagammai Nagar,
Annanur Railways Cross Complex,
Annanur, Chennai 600 109.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ramesh, Advocate SR.No.19622

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AD(CO)

GMV (28/07/2020)

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