

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5937 of 2020

M/s. The Venkateswar Steel Traders,
Represented by its Partner,
Subash Chander Agarwal,
S/o. Ram Kumar Agarwal,
37/15, TKS Nager,
Manali Express Road,
Thiruvottiyur, Chennai - 600 019. Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
M8, Sathangadu Police Station,
Sattangadu, Tiruvottiyur,
Chennai, Tamil Nadu - 600 068.
2. The Assistant Commissioner of Police,
Ennore Range,
No.71/39, 1st Main Road,
Ennore, Chennai - 600 057.
(Ramakrishna Nagar)
3. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Madhavaram Police District,
Madhavaram, Kanakanchatram,
Ponnammanmedu, Chennai,
Tamil Nadu - 600 110.
4. Mrs. Rekha ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the first respondent to give police protection to the petitioner and his property measuring about 9600 square feet bearing Plot No.37, 38, 39 and 40 situated in Annai Gangammal Nagar of Thiruvottiyur Village, Thiruvottiyur Taluk (previously Ambattur Taluk) Chennai - 600 019 and land measuring an extent of 432 Sq Mt. equivalent to 4650 sq.ft bearing Plot No.C-73 situated in Sathangadu Iron & Steel Market Complex comprised in Survey No.3/1A1A3 part, 3/1A2A part, Block No.2, Ward No.D, T.S.No.1 Part and T.S.No.2 part, Sathangadu Village, Thiruvottiyur Taluk, Chennai.

For Petitioner : Mr. P.Jesus Moris Ravi
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed to direct the first respondent to give police protection to the petitioner and his property measuring about 9600 square feet bearing Plot No.37, 38, 39 and 40 situated in Annai Gangammal Nagar of Thiruvottiyur Village, Thiruvottiyur Taluk (previously Ambattur Taluk) Chennai - 600 019 and land measuring an extent of 432 Sq Mt. equivalent to 4650 sq.ft bearing Plot No.C-73 situated in Sathangadu Iron & Steel Market Complex comprised in Survey No.3/1A1A3 part, 3/1A2A part, Block No.2, Ward No.D, T.S.No.1 Part and T.S.No.2 part, Sathangadu Village, Thiruvottiyur Taluk, Chennai.

2. It is seen from records that the petitioner is the joint owner of the property and the said property has been mortgaged with South Indian Bank and because of default in payment, the bank has initiated recovery proceedings. He further submitted that the persons namely Mrs.Rekha, the 4th respondent herein along with some other 5 unknown persons under the guise of collection agents of the bank official of the bank are frequently trespassing and they are coming to the petitioner's properties and they are forcing the petitioner and their tenants to make payments. He further submitted that the said bank officials have no court order with respect to the property and also contesting the recovery proceedings before Hon'ble Debts Recovery Tribunal - III, Chennai and the petitioner have filed case against the bank which is pending disposal.

3. The learned counsel for the petitioner would submit that the fourth respondent and some 5 unknown persons are threatening and continuously interfering with the possession and enjoyment of the petitioner and they are causing threat to the petitioner and therefore, the petitioner gave a complaint to the first 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.P.Jesus Moris Ravi, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents police.

6. The petitioner has submitted that the fourth respondent and other 5 unknown persons are threatening and continuously interfering with the possession and enjoyment of the petitioner and they are causing threat to 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. The Inspector of Police,
M8, Sathangadu Police Station,
Sattangadu, Tiruvottiyur,
Chennai, Tamil Nadu - 600 068.
2. The Assistant Commissioner of Police,
Ennore Range,
No.71/39, 1st Main Road,
Ennore, Chennai - 600 057.
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3. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
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Madhavaram, Kanakanchatram,
Ponnammanmedu, Chennai,
Tamil Nadu - 600 110.
4. The Public Prosecutor,
High Court, Madras.

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