

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.5452 of 2020

L.Paramasivam

... Petitioner

Vs.

1. State Rep. by
The Superintendent of Police,
Superintendent of Police Office,
Tiruchengode, Namakkal
Namakkal 637 003
2. The Inspector of Police
Rasipuram Police Station
Rasipuram, Namakkal
Namakkal 637 408
3. Ramasamy @ Ramu
4. P.Kandasamy @ Kandhan
5. Vasantha Kumar
6. Malaiyappan
7. Perumal

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to give police protection for the petitioner's premises comprised in S.No.105/136, to construct the compound wall and to consider the petitioner's representation dated 08.02.2020.

For Petitioner :Mr.V.Ramanareddy

For Respondents:Mr.M.Mohamed Riyaz
Addl. Public Prosecutor
for R1 & R2

O R D E R

This petition has been filed seeking for police protection to the petitioner's premises comprised in S.No.105/136, to construct the compound wall and to consider the petitioner's representation dated 08.02.2020.

2. It is seen from records that the petitioner has already filed a civil suit in O.S.No.75 of 2010 on the file of the District Munsif Court, Rasipuram and the said case was decreed on 04.09.2010 thereby restraining respondents 3 to 7 herein from interfering with the possession of the petitioner's land.

3. The learned counsel for the petitioner would submit that in spite of the decree passed, respondents 3 to 7 are 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 respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for police protection.

4. The learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner dated 08.02.2020, the respondent police has not considered.

5. Heard Mr.V.Ramama Reddy, learned Counsel for the petitioner and Mr.M.Mohamed learned Additional Public Prosecutor for the respondents police.

6. The petitioner in this case has admittedly obtained a decree against respondents 3 to 7. Respondents 3 to 7 are continuously interfering with the possession and enjoyment of the petitioner. The petitioner has filed the writ petition in W.P.No.8653 of 2010 before this Court and he same was disposed of on 25.11.2016. Thereafter, the petitioner had raised a compound wall on 13.01.2020. At that time, respondents 3 to 7, on the instigation of Village Administrative Office, Muthukalipatty village, along with henchmen, objected the same and pulled down the constructed compound wall by the petitioner. Therefore, the petitioner gave a complaint to respondents 1 and 2 on 08.02.2020 and the same has not been considered by the respondents police. The petitioner cannot maintain an independent petition before this Court seeking police protection. It is possible for the petitioner to seek for police protection before the Court below with which the suit came to be decreed, by filing an appropriate petition under Section 151 of Cr.P.C. 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The Superintendent of Police,
Superintendent of Police Office,
Tiruchengode, Namakkal,
Namakkal 637 003.
 2. The Inspector of Police,
Rasipuram Police Station,
Rasipuram, Namakkal,
Namakkal 637 408.
 3. The Public Prosecutor,
High Court, Madras.
- +2 CCS to Mr.V.Ramama Reddy, Advocate sr 20830.

Cr1.O.P.No.5452 of 2020

AK(CO)
SP(30/05/2020)

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