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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5657 of 2020

V.Vennila

...Petitioner

-Vs-

1.The State rep. by
The Inspector of Police,
F4 - Kaveripakkam Police Station,
Ranipet District - 632508.

2.N.Dinakaran

3.M.Babu

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 1st respondent to give police protection to the petitioner and her property of agricultural land comprised in Survey No.419/, (as per Patta the Survey No.419 has been subdivided as Survey No.419/3) measuring to an extent of Acre 1.55 Cents, situated at Kaveripakkam Village and Post, Nemili Taluk, Vellore District, Now Ranipet District by considering her representation dated 17.02.2020.

For Petitioner : Mr.P.Arun Kumar

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

ORDER

This petition has been filed to direct the first respondent to give police protection to the petitioner and her property of agricultural land comprised in Survey No.419/, (as per Patta the Survey No.419 has been subdivided as Survey No.419/3) measuring to an extent of Acre 1.55 Cents, situated at Kaveripakkam Village and Post, Nemili Taluk, Vellore District, now Ranipet District by considering her representation dated 17.02.2020.



2. It is seen from records that the petitioner has already filed a suit in O.S.No.57 of 2017 before the learned Subordinate Judge, at Arakonam and the said suit was partly decreed in favour of the petitioner.

3. The learned counsel for the petitioner would submit that in spite of the decree passed against the second respondent, the respondents 2 and 3 is 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 and as the respondent police in turn, directed the petitioner to get the Court order, 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.Arun Kumar, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first respondent police.

6. The petitioner in this case has admittedly obtained a decree against the second respondent, the respondents 2 and 3 are continuously interfering with 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(CCC)

//True Copy//

Sub Assistant Registrar



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To

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1.The Inspector of Police,
F4 - Kaveripakkam Police Station,
Ranipet District - 632508.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Arunkumar, Advocate Sr.21943

Cr1.OP.No.5657 of 2020

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srg 10/07/2020