

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No. 5788 of 2020

L.Dhanaseeli

.. Petitioner

Vs

1. The Inspector of Police,
E-1, Mahabalipuram Police Station,
Mahabalipuram-603 104.

2.Sensai Kanikkai Raj .. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to provide police protection at No.158 Vadagampaadi Madura Kaatuthangal Village Comprised Survey No.167/8 acre 0.80 cent land at Kancheepuram district, Thirukalukundram to the petitioner on the basis of the petitioner's compliant dated 07.03.2020.

For Petitioner : Mr.R.Arunkumar

For Respondents

For R1 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

This petition has been filed seeking for police protection at No.158 Vadagampaadi Madura Kaatuthangal Village Comprised Survey No.167/8 acre 0.80 cent land at Kancheepuram district, Thirukalukundram to the petitioner on the basis of the petitioner's compliant dated 07.03.2020.

2. It is seen from records that the petitioner father has already filed an application in Application No.A1/3872/2018 before the Sub Divisional Magistrate, South Chennai Division, Guindy, Chennai-600 032. In the said application, the petitioner seeking for maintenance and living residence under Welfare of Parents and Senior Citizens Act-2007. 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 order passed, the second is continuously interfering the possession and enjoyment of the petitioner and he is 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.

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

6. The petitioner in this case has admittedly obtained an order of injunction against the second respondent. The second 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.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
E-1, Mahabalipuram Police Station,
Mahabalipuram-603 104.

2.The Public Prosecutor,
High Court, Madras.

+2 ccs to Mr.R.Arunkumar Advocate sr22831

Crl.O.P.No.5788 of 2020

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