

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI. O.P. No. 8396 of 2020

R.Kamarajar,
S/o. Rajarathinam,
No. 261, Velan Nagar,
2nd Street, Valasaravakkam,
Chennai - 600 087.

.. Petitioner

vs.

1.The Inspector of Police,
K-11 Koyambedu Police Station,
Chennai.

2.Kunjammal Baby,
W/o. Late Lucas Baby,
No. 329/4, Poonga Apartments, HIG Flats, 2nd Avenue,
Anna Nagar, Chennai - 600 040.

3.D.Kumar,
S/o. C.Dharmar,
1126, Thendral Colony,
Anna Nagar, Chennai - 600 040.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to direct the 1st respondent to give Police protection to the petitioner at the time of his visits to the property which is the subject matter in O.S. No. 3584/2012 on the file of 4th Asst. City Civil Court at Chennai.

For Petitioner : Mr. M.Sridhar

For Respondent-1 : Mr. S.Karthikeyan

Additional Public Prosecutor

ORDER

This petition has been filed for direction directing the respondent Police to give Police protection to the petitioner at the time of his visits to the property which is the subject matter in O.S. No. 3584 of 2012 on the file of IV Asst. City Civil Court at Chennai.

2. Learned Counsel for the petitioner would submit that in respect of the dispute the petitioner filed a suit in O.S. No. 3584 of 2012 on the file of the IV Assistant City Civil Court, Chennai and also obtained decree in his favour by

judgment and decree dated 29.06.2018. Thereafter, till today, the second respondent did not preferred any appeal against the judgment and decree dated 29.06.2018. Therefore, the decree obtained by the petitioner become final and now the petitioner was obstructed by the second and the third respondent herein to visit the property. Hence, he seeks police protection to visit the said property.

3. Admittedly, there was a civil dispute between the petitioner and the respondent 2 and 3 herein. Hence, the petitioner filed a suit in O.S. No. 3584 of 2012 before the IV Assistant City Civil Court, Chennai and the same was decreed in favour of the petitioner. Though it was decreed in favour of the petitioner, till now the petitioner did not took any possession of the disputed property. Now the petitioner filed this present petition seeking Police protection to visit the said property.

4. Considering the facts and circumstances of this case, since the petitioner has not took possession of the disputed property, Police protection cannot be granted to the petitioner to visit the property. However, the petitioner is at liberty to file an execution petition to execute decree before the trial Court.

5. With the above observation, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

bkn

To

1. The Inspector of Police,
K-11 Koyambedu Police Station,
Chennai.

2. The 4th Assistant,
City Civil Court, Chennai.

3. The Public Prosecutor,
High Court of Madras,
Madras.