

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

Cr1.O.P.No.10328 of 2020

S. Suresh Kumar, (M/54),
S/o. Sampalji Jain,
Door No.109, Old No.84, First Floor,
Sydenhams Road, Periyamedu,
Chennai - 600 003.

...Petitioner

Vs

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
- 2.The Deputy Commissioner of Police,
Poonamalli High Road,
Keelpauk Police District,
Chennai - 600 010.
- 3.The Assistant Commissioner of Police,
Vepery Range, Chennai - 600 007.
- 4.The Inspector of Police, (Law and Order),
G-2, Periyamet Police Station,
Chennai - 600 003.
- 5.S. Balakrishnan, (M/45),
S/o. Samikannu,
Door No.541, M.P.M. Street,
Sanjay Nagar, Vyasarpadi,
Chennai - 600 039.

...Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents herein to provide adequate police protection to the property and the petitioner based on the complaint dated on 10.06.2020 pending on the file of the respondents 1 to 4.

For Petitioner	:	Mr. S. M. Arumugam
For R1 to R4	:	Mr. S. Karthikeyan, Addl. Public Prosecutor.

O R D E R

This petition has been filed seeking for police protection to the petitioner and to direct the respondents herein to provide adequate police protection to the property and the petitioner based on the complaint dated on 10.06.2020.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.1744 of 2020 before the VII Assistant City Civil Court, Chennai. In the said suit, the petitioner has filed I.A.No.02 of 2020, seeking for interim injunction restraining the defendant from interfering the peaceful possession and enjoyment of the petitioner's property. 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 interim order passed, the respondents 1 to 4 is continuously interfering in 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 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. S. M. Arumugam, the learned Counsel for the petitioner and Mr. S. Karthikeyan, the learned Additional Public Prosecutor for the respondents.

6. The petitioner in this case has admittedly obtained an order of injunction against the respondents 1 to 4. The respondents 1 to 4 are 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 Civil Court for appropriate relief.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

SSI

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
- 2.The Deputy Commissioner of Police,
Poonamalli High Road,
Keelpauk Police District,
Chennai - 600 010.
- 3 The Assistant Commissioner of Police,
Vepery Range, Chennai - 600 007.
- 4.The Inspector of Police, (Law and Order),
G-2, Periyamet Police Station,
Chennai - 600 003.
- 5.The Public Prosecutor,
High Court, Madras.

WEB COPY

Crl.O.P.No.10328 of 2020

BP(CO)
KKV/07/09/2020