

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13290 of 2020

P.Sekhar,
S/o.Pichaikaran,
Athandamarudhur,
Madhura Pidarampatti,
Thirukovilur Taluk,
Kallakurichi District.

... Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District.

2. The Inspector of Police,
Thiruvannainallur Police Station,
Thirukovilur Taluk,
Villupuram District.

3. Suriyamurthy,

4. Balakrishnan,

5. Saroja,

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to direct the 1st and 2nd respondents to give adequate protection to the petitioner and his family in respect of the property for the enforcement of appropriate civil court decree made in OS.No.25/2014 in Survey No.425/14 (0.50 cents) in Athandamarudhur, Madhura village, Vadamarudhur Post, Thirukoilur Taluk, Villupuram District.

For Petitioner : M/s.R.Pushalatha

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor for R1, R2

O R D E R

This petition has been filed seeking for direction directing the first and second respondents to give adequate protection to the petitioner and his family in respect of the property for the enforcement of appropriate civil court decree made in OS.No.25/2014 in Survey No.425/14 (0.50 cents) in

Athandamarudhur, Madhura village, Vadamarudhur Post,
Thirukoilur Taluk, Villupuram District.

2.It is seen from records that the third respondent has already filed a suit in O.S.No.25 of 2014 before the District Munsif Court, Thirukovilur, against the petitioner seeking permanent injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the said properties. The Court below has considered the above O.S.No.25 of 2014 and the same was partly allowed.

3.The learned counsel for the petitioner would submit that inspite of the decree passed, the respondents 3 to 5 is continuously interfering with the possession and enjoyment of the above mentioned properties 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 M/s.R.Pushalatha learned counsel appearing for the petitioner and Mr.S.Karthikeyan learned Additional Public Prosecutor appearing for the respondents one and two.

6.The respondents three to five are continuously interfering the possession and enjoyment of the above mentioned properties. 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.It is seen that in the complaint lodged by the petitioner, the 3rd respondent is directed to pass order on merits in accordance with law. After issuing notice to the concerned parties, the second respondent shall pass orders on merits in accordance with law. However, the petitioner is at liberty to produce all the orders which are obtained from the civil Court before the third respondent.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

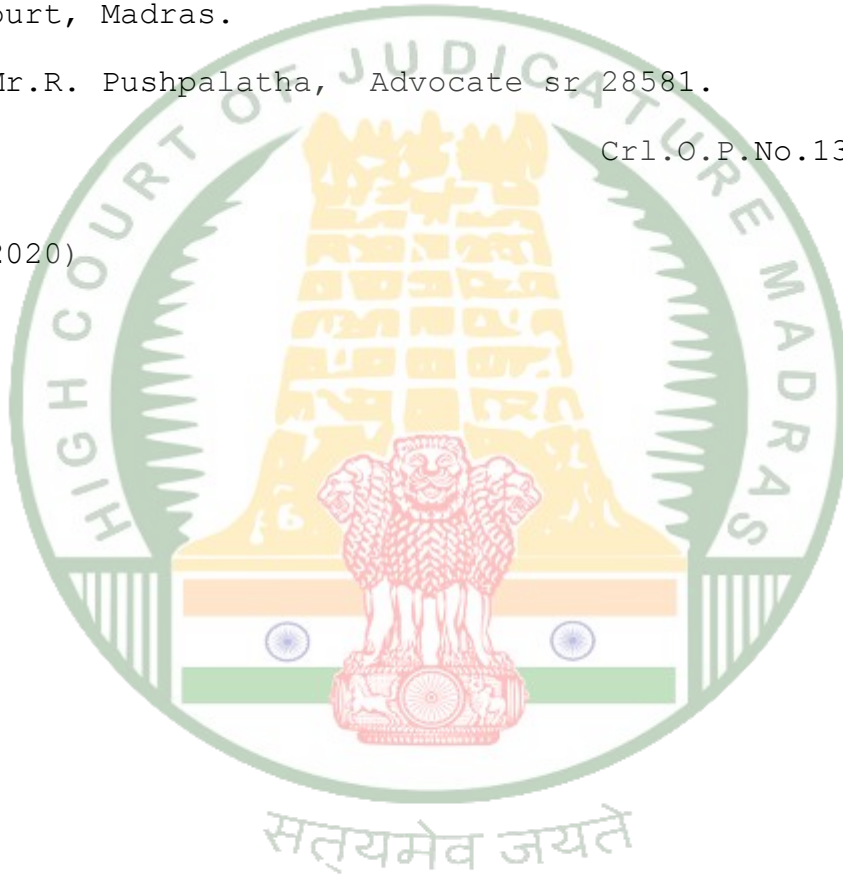
vsn
To

1. The Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
Thiruvannainallur Police Station,
Thirukovilur Taluk,
Villupuram District.
3. The Public Prosecutor
High Court, Madras.

+1 CC to Mr.R. Pushpalatha, Advocate sr 28581.

Crl.O.P.No.13290 of 2020

SSI (CO)
SP(30/09/2020)



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