

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl OP.No.17416 of 2020

K. Anbu

S/o. Late K. Kuppusamy

...Petitioner

Vs.

1. The Assistant Commissioner
Assistant Commissioner Office
Puliyanthoppe, Chennai 600 012.

2. The State, Rep by
The Inspector of Police
P-4 Basin Bridge Police Station
Demellows Road
Puliyanthoppe, Chennai 600 012

3. M. Vishwanathan
S/o. Murali

4. Sheeba Suresh
W/o. Suresh

5. Balakrishnan
S/o. Venkatesan

....Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.PC praying to direct the second respondent to provide police protection to the petitioner to carry on the repairing work on the Hut/House situated at No.8/40, Krishna Pillai Street, Grey Nagar, First Street, Chennai 600 012 based on the representation of the petitioner dated 13.10.2020 and to pass such further orders as may deem fit and proper in the circumstances of the case.

For Petitioner : Mr. C. Prabakaran

For Respondents

For R1 & R2

: Ms. M. Prabhavathi

Additional Public Prosecutor

ORDER

It is represented by the Additional Public Prosecutor that the representation given by the petitioner dated 13.10.2020 has been closed since a civil suit is pending between the petitioner and the counter petitioners.

2. Admittedly, the suit for partition is pending on the file of the VI Assistant Judge, City Civil Court, Chennai, in OS No.4648 of 2018 filed by the petitioner against the counter petitioners. Till date, the right of the petitioner to the property in issue has not been affirmed or declared by the Civil Court. It could be seen from the plaint in the said suit that the counter petitioners have also share in the property in issue. In such view of the matter, when the civil suit is pending between the parties and the right of the petitioner has not been affirmed or declared by the Civil Court, at this stage of the matter, I am not inclined to invoke the jurisdiction of 482 Cr. PC for granting the relief sought for by the petitioner.

3. Resultantly, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Assistant Commissioner
Assistant Commissioner Office
Puliyanthoppe, Chennai 600 012
2. The Inspector of Police
P-4 Basin Bridge Police Station
Demellows Road
Puliyanthoppe, Chennai 600 012

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate Sr.35926

CrI OP.No.17416 of 2020

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srg 09/12/2020

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