

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl OP.No.19777 of 2020

Thimma Reddy

...

Petitioner

Vs.

1.The Superintendent of Police
Krishnagiri District.

2.The Sub Inspector of Police
Thally Police Station,
Krishnagiri.

3.Venkatesh Reddy
4.Narayanamma

...

Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 2nd respondent to grant police protection to the petitioner by considering petitioner's representation dated 30.11.2020.

For Petitioner

: Mr.S.C.Vishwanth

For Respondent
Nos.1 & 2

: Ms. M. Prabhavathi
Additional Public Prosecutor

ORDER

Seeking for the grant of police protection based on the representation dated 30.11.2020, the petitioner has come forward with the criminal original petition against the respondents.

2. With reference to the property in issue, even as per the case of the petitioner, already the civil suit in O.S.No.26 of 2020 is pending on the file of the Principal Subordinate Court, Hosur and the abovesaid suit has been laid by the petitioner against the counter petitioner for Declaration, Permanent Injunction, Damages and for further reliefs.

3. The petitioner claims title to the property in issue based on the Document No.2143/2009. The abovesaid fact is being disputed by the counter petitioner. Even as per the case of the petitioner, till date, the title of the petitioner to the property in issue has not been declared / affirmed by the Civil Court.

4.In the light of the abovesaid factors, when the civil suit is pending with reference to the title qua the property in issue and when the title of the petitioner qua the property in issue has not been affirmed /declared by the civil Court till date, at this juncture, it would not be advisable to invoke the inherent jurisdiction under Section 482 Cr.P.C and grant the police protection to the petitioner as prayed for and it would not be advisable to direct the police to intervene in the matter and the police would also not be competent to decide the civil issue.

In conclusion, the criminal original petition is not entitled for acceptance. Consequently, the criminal original petition is dismissed.

Index : Yes/No

Internet: Yes/No

sms

Copy to

1.The Superintendent of Police

Krishnagiri District.

2.The Sub Inspector of Police

Thally Police Station, Krishnagiri.

3. The Public Prosecutor, High Court, Madras.

14.12.2020

T. RAVINDRAN, J.

sms



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