



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: .12.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.22088 of 2019

WEB COPY

S.Jothieswari

.. Petitioner

Vs

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
132, EVK Sampath Salai,
Vepery, Chennai - 600 007.
- 2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
R1, Mambalam Police Station,
T.Nagar, Chennai - 600 017.
- 3.The Inspector of Police-Law and Order
Office of the Inspector of Police,
R4, Soundarapandianar Police Station,
T.Nagar, Chennai - 600 017.

4.S.Subramanian

5.Adham Bava

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to directing the 1 to 3 respondents herein to provide police protection to the petitioner and her family members living in Old No.8, New No.25, Sambasivam Street, T.Nagar, Chennai - 600 017.

For Petitioner : Mr.Harikrishnan for
M/s.McGan Law Firm

For Respondents

For R1 to R3 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor
For R4 & R5 : No Appearance

O R D E R

This petition has been filed seeking for police protection to the petitioner and her family members living in Old No.8, New No.25, Sambasivam Street, T.Nagar, Chennai - 600 017, from the respondents 4 and 5.



2. It is seen from records that the petitioner has entered a sale agreement with the fourth respondent in respect of the properties at T.Nagar, Thiruvannamiyur, Muttukadu, Neelangarai, Nungambakkam and Kodaikanal. Under the said sale agreement, the fourth respondent received totally a sum of Rs.2,57,00,000/- from the petitioner's husband. In order to refund the said sum of Rs.2,57,00,000/-, the respondents 4 and 5 interfere the possession of the petitioner's properties and also cause threat to the petitioner.

3. The learned counsel for the petitioner would submit that the respondents 4 and 5 are continuously interfering 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 respondents police cannot give police protection in a case of this nature.

5. Heard Mr.Harikrishnan, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents 1 to 3.

6. The petitioner in this case has admittedly grant an order of direction against the respondents 4 and 5. The respondents 4 and 5 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 Court below in the manner indicated herein above.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

drl

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To

1. The Commissioner of Police,
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132, EVK Sampath Salai,
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Office of the Deputy Commissioner of Police,
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3. The Inspector of Police-Law and Order
Office of the Inspector of Police,
R4, Soundarapandianar Police Station,
T.Nagar, Chennai - 600 017.
4. The Public Prosecutor,
High Court, Madras.

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