



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 23795 of 2019

Meddaikar Arif Ahmed

... Petitioner

Vs.

1. The Superintendent of Police,
Vellore,
Vellore District.

2. The Inspector of Police,
Rathinagiri Police Station,
Vellore District.

3. Nazeer Ahmed

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to provide police protection to the petitioner and from the illegal encroachments.

For Petitioner : Mr.M.Sathish Kumar

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 & R2

O R D E R

This petition has been filed for a direction to direct the second respondent to provide police protection to the petitioner and from the illegal encroachments.

2. The learned counsel for the petitioner would submit that the the third respondents is interfering the possession and enjoyment of the petitioner and he is causing threat to the petitioner and therefore, the petitioner gave a complaint to the respondents police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.



3. The learned Additional Public Prosecutor would submit that there is a civil dispute pending between the petitioner and the third respondent. He would further submit that the police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

4. Heard Mr.M.Sathish Kumar, learned Counsel for the petitioner and Mr.Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents police.

5. 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.

6. 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
1. The Superintendent of Police,
Vellore,
Vellore District.
2. The Inspector of Police,
Rathinagiri Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Sathish Kumar, Advocate, S.R.No.19807
CRL.O.P.No. 23795 of 2019

jp(CO)
jrs (28/05/2020)
aa01/07/2020