

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 23798 of 2019

S.Raziyabegum

... Petitioner

Vs.

1. State Rep by its
The Superintendent of Police,
Thiruvannamalai District.

2. State Rep by its
The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.

3. Thenmozhi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents police to provide adequate police protection to the petitioner's life and his property comprised in S.No.297/14, in Pakkiripalayam Village, Chengam Taluk, Thiruvannamalai District on the basis of the petitioner's complaint dated 03.08.2019, which is on the file of the respondents police.

For Petitioner :M/s.Dass and Viswa Associates

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 respondents police to provide adequate police protection to the petitioner's life and his property comprised in S.No.297/14, in Pakkiripalayam Village, Chengam Taluk, Thiruvannamalai District on the basis of the petitioner's complaint dated 03.08.2019, which is on the file of the respondents police.

2. The learned counsel for the petitioner would submit that the the third respondent is interfering the possession and enjoyment of the petitioner and the third respondent and other persons 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 the third respondent has already filed a suit in O.S.No.88 of 2019 before the District Munsif Court, Chengam and 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 M/s.Dass and Viswa Associates, learned Counsel for the petitioner and 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 her remedy before the Court below in the manner indicated herein above.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

kv

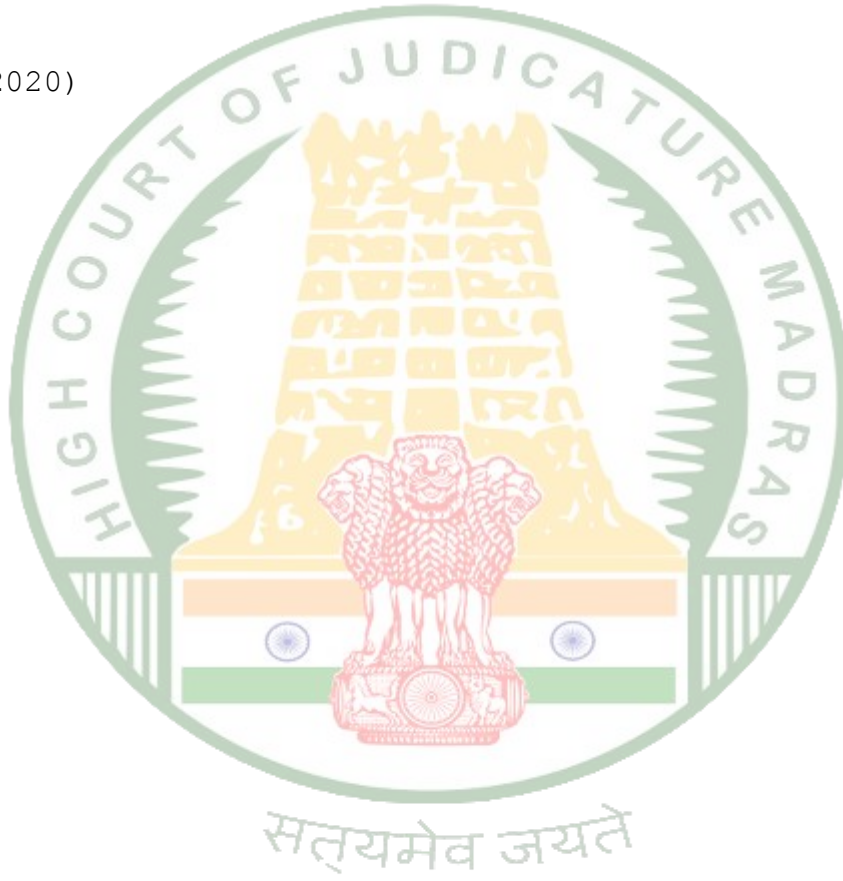
To

1. The Superintendent of Police,
Thiruvannamalai District.
2. The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No. 23798 of 2019

KJ (CO)
GS (23/07/2020)



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