

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No. 23775 of 2019

G.Balaji

.. Petitioner
Vs

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

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

3.Baby

4.Thamizharasi

5.A.Suseela

6.K.Chinnaraj

7.K.Chinnadurai

8.S.Muthammal

9.G.Umarani

10.S.Gunaseelan

11.S.Mohan

(R3 and R4 are impleaded as per order in
Crl.MP.No.13685 of 2019 in Crl.OP.No
23775 of 2019 dated 23.09.2019)

(R5 to R11 are impleaded as per order in
Crl.MP.No.15423 of 2019 in
Crl.OP.23775 of 2019 dated 25.10.2019.)

Prayer :- Criminal Original Petition filed under Section 482
Cr.P.C. to direct the first and second respondents to provide
police protection to the petitioner to put up a fence in land
situate at S.No.593/2A/1, Katpadi Village, Katpadi Taluk,
Vellore District, measuring an extent of 3270 sq.ft.

For Petitioner : Mr.C.Gunasekaran

For Respondents

For R1 & R2 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

For R3 & R4 : No Appearance

For R5 to R11 : Mr.P.Mathivanan

O R D E R

This petition has been filed seeking for police protection to the petitioner while erecting fence around the property comprised in S.No.593/2A/1, Katpadi Village, Katpadi Taluk, Vellore District, measuring an extent of 3270 sq.ft.

2. It is seen from records that one Mr.R.Kumaraswamy has filed a suit in O.S.No.379 of 1978 before the Principal Subordinate Judge, Vellore. As against the judgment, Appeal No.694 of 1980 was dismissed by this Court on 26.02.1987 and was confirmed by this Court in L.P.A.No.33 of 1987 dated 15.12.1989.

3. The learned counsel for the petitioner would submit that in violation of the said order, the respondents 3 to 11 are interfering 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 second 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 respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

5. Heard Mr.C.Gunasekaran learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent police.

6. The petitioner in this case has admitted that the respondents 2 to 11 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.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

drl

To

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

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

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.C.Gunasekaran Advocate sr23361

+1 cc to Mr.P.Mathivanan Advocate sr22031

Crl.O.P.No.23775 of 2019

nr(co)

aa04/08/2020



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