

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 25700 of 2019

E.Govindaraj

... Petitioner

Vs.

1. The Superintendent of Police,  
O/o. Superintendent of Police,  
Railway Station Road,  
Near District Collector Office,  
Coimbatore.
2. The Deputy Superintendent of Police,  
O/o. Deputy Superintendent of Police,  
Periyanaicken Palayam Police Station,  
Periyanaickenpalayam,  
Coimbatore District.
3. The Inspector of Police,  
Periyanaicken Palayam Police Station,  
Periyanaickenpalayam,  
Coimbatore District.
4. Rangasamy
5. Govindaraj
6. Rangasamy
7. Varadammal
8. Anandan
9. Uma
10. Rukumani
11. Maadesh Kumar
12. Indirani
13. Pathirappan
14. Rangaraj
15. Raguvathy
16. Malarmani

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 to 3 herein to provide adequate police protection to the petitioner to use the Cart Track, to reach his properties and initiate appropriate legal action, based on the Criminal

Complaint/representations dated 08.04.2019, 22.04.2019 and again on 04.05.2019, addressed by Registered Post to them, against the fourth to sixteenth respondents herein, not to interfere with the peaceful and enjoyment possession of the petitioner's property in an extent of 3.56 ½ acres in S.No.258 and 259 by using a Cart Track, having a breadth of 12 feet, being a portion in the S.F.No.258 and 259 from Karamadai to Thekkampatti Main Road, branched from the Nellimali Road.

For Petitioner : Mr.S.Kadarkarai

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1 to R3  
: M/s.Babu Rangasamy Associates  
for R4, R5, R7 to R9 and R11 to R14  
and R16.

O R D E R

This petition has been filed for a direction to direct the respondents 1 to 3 herein to provide adequate police protection to the petitioner to use the Cart Track, to reach his properties and initiate appropriate legal action, based on the Criminal Complaint/representations dated 08.04.2019, 22.04.2019 and again on 04.05.2019, addressed by Registered Post to them, against the fourth to sixteenth respondents herein, not to interfere with the peaceful and enjoyment possession of the petitioner's property in an extent of 3.56 ½ acres in S.No.258 and 259 by using a Cart Track, having a breadth of 12 feet, being a portion in the S.F.No.258 and 259 from Karamadai to Thekkampatti Main Road, branched from the Nellimali Road.

2. The learned counsel for the petitioner would submit that the fourth to sixteenth respondents are interfering the possession and enjoyment of the petitioner and the said respondents and other persons causing threat to the petitioner and therefore, the petitioner gave a complaint to the first to third 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 private respondents. 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 S.Kadarkarai, learned Counsel for the petitioner

and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first to third 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kv

To

- 1.The Superintendent of Police,O/o.Superintendent of Police,  
Railway station Road,  
Near District Collector Office,Coimbatore.
- 2.The Deputy Superintendent of Police,  
O/o.Deputy Superintendent of Police,  
Periyanaickenpalayam Police Station,  
Periyanaickenpalayam,Coimbatore District.
3. The Inspector of Police,  
Periyanaickenpalayam Police Station,  
Periyanaickenpalayam,Coimbatore District.
4. The Public Prosecutor,  
High Court, Madras.

+1cc to M/s.Babu Rangasamy, Advocate, Sr.No.19651

CRL.O.P.No. 25700 of 2019

SAI (CO)  
GS (22/07/2020)