

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P. No. 25225 of 2019

S.M.Varatharajan

.. Petitioner

Vs

1. State by

The Superintendent of Police,
Krishnagiri, Krishnagiri District.

2. The Deputy Superintendent of Police,
Krishnagiri, Krishnagiri District.

3. The Inspector of Police,
Taluk Police Station,
Krishnagiri District.

4. Perumal

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to directing the respondents 1 to 3, to provide police protection for the life and safety of the Petitioner and his family members and servants for putting up fencing, borewell and other miscellaneous works in the Petitioner's property situated at Survey Nos. 86/2B2 and 85/1C having an extent of 51 cents situated at Kattikanapalli Village, Krishnagiri District.

For Petitioner : Mr.R.Ramesh

For Respondents

For R1 to R3: Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This petition has been filed seeking for police protection to the petitioner and their men while erecting fence, borewell and other miscellaneous works in the Petitioner's property situated at Survey Nos. 86/2B2 and 85/1C having an extent of 51 cents situated at Kattikanapalli Village, Krishnagiri District.

2. It is seen from records that the petitioner has already filed a suit against the fourth respondent in O.S.No. 27 of 2013, before the Principal District Court, Krishnagiri and the same was decreed on 23.03.2015. Thereafter, the petitioner has filed execution petition in E.P. No. 59 of 2015, and taken the possession of the property through Court. When the

petitioner was going to put up a fence, the fourth respondent attacked him and therefore, the petitioner filed this petition.

3. The learned counsel for the petitioner would submit that though the petitioner taken possession of the property through Court, the fourth respondent is continuously interfering the possession and enjoyment of the petitioner and he was 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 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. R.Ramesh, learned Counsel for the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent police.

6. Admittedly the suit filed by the petitioner against the fourth respondent was decreed in his favour, but the fourth respondent is 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

arb/drl

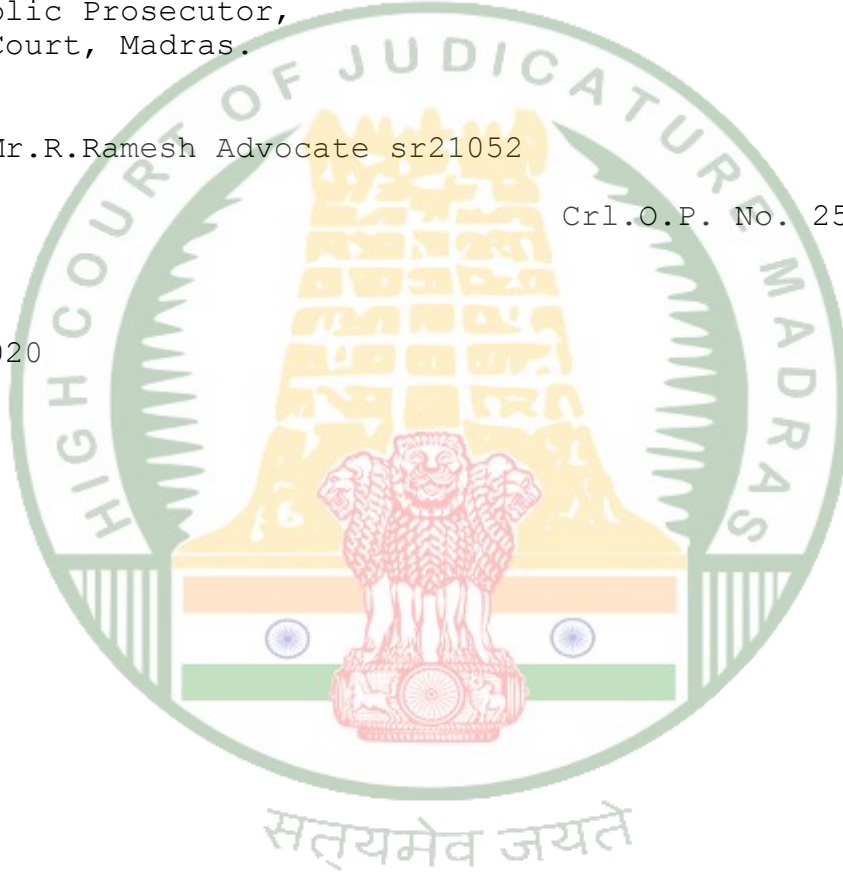
To

1. The Superintendent of Police,
Krishnagiri, Krishnagiri District.
2. The Deputy Superintendent of Police,
Krishnagiri, Krishnagiri District.
3. The Inspector of Police,
Taluk Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Ramesh Advocate sr21052

CrI.O.P. No. 25225 of 2019

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