

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.28477 of 2019

E.Mohanammal

...Petitioner

Vs.

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram - 631 501.

2. The Inspector of Police,
E-8, Police Station,
Kellambakkam, OMR,
Kancheepuram District.

3. Govindansamy

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 2 to grant adequate protection to the petitioner and her family members and to their property situated in Survey No.358/1, New Survey No.652/35 in Kamarajar Street, Padur Village, Kancheepuram District.

For Petitioner : Mr.S.Ezhil Raj

For Respondents : Mr.S.Karthikeyan

Additional Public Prosecutor for R1 & R2

: No Appearance for R3.

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O R D E R

This petition has been filed for a direction to direct the respondents 1 and 2 to grant adequate protection to the petitioner and her family members and to their property situated in Survey No.358/1, New Survey No.652/35 in Kamarajar Street, Padur Village, Kancheepuram District.

2. The learned counsel for the petitioner would submit that the third respondent and his brother are 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 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.S.Ezhil Raj, learned Counsel for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor for the first and second 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(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram - 631 501.

2. The Inspector of Police,
E-8, Police Station,
Kellambakkam, OMR,

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- Kancheepuram District.
3. The Additional Public Prosecutor,
High Court, Madras.

CRL.O.P.No.28477 of 2019

LN(CO)
KKV/03/09/2020



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