

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No. 26281 of 2019

D.Dhanalakshmi

... Petitioner

Vs.

1. State rep.by
Inspector of Police,
Sirukazhi Police Station,
Nagapattinam.

2. V.Ashok kumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent herein to give adequate police protection to the petitioner and her family members on the basis of the complaint dated 13.09.2019.

For Petitioner : Mr.S.Diwakar

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor for R1.

O R D E R

This Criminal Original Petition has been filed for a direction to direct the respondent herein to give adequate police protection to the petitioner and her family members on the basis of the complaint dated 13.09.2019.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.200 of 2019 before the Learned Sub-Judge, Mayiladuturai. In the said suit, the petitioner has filed I.A.No.1 of 2019, seeking for ad-interim injunction for not to disturb the peaceful possession and enjoyment of the petitioner's property. The Court below has also granted an order of ad-interim injunction in favour of the petitioner.

3. The learned counsel for the petitioner would submit that in spite of the ad-interim order passed, the second respondent is continuously interfering the possession and enjoyment of the petitioner and the second respondent 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.S.Diwakar, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first respondent police.

6. The petitioner in this case has admittedly obtained an order of ad-interim injunction against the second respondent. The second 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 her remedy before the Court below in the manner indicated herein above.

kv

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Sirukazhi Police Station,
Nagapattinam.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No. 26281 of 2019

ak(CO)
mst(29/05/2020)