

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Crl.O.P.No.26247 of 2019

S.Kulasekaran

.. Petitioner

Vs.

1.State rep. by
The Inspector of Police,
V-3, JJ Nagar Police Station,
Chennai.

2.Porkodi

3.V.Senthil

4.Gangapriya @ Ganga

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to give police protection to the petitioner on the basis of the complaint dated 25.02.2019 and 23.03.2019 given to the respondent police.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent 1 : Mr.S.Karthikeyan
Additional Public Prosecutor

For Respondents 2 to 4 : Mr.T.K.S.Bharathy Anandraj

ORDER

(This case has been heard through video conferencing)

This Criminal Original Petition has been filed seeking direction to direct the first respondent police to give police protection to the petitioner on the basis of the complaint given by him on 25.02.2019 & 23.03.2019.

2. Heard Mr.G.Mohana Krishnan, learned counsel for the petitioner, Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the first respondent and Mr.T.K.S.Bharathy Anandraj, learned counsel appearing for the respondents 2 to 4.

3. The case of the petitioner is that on 25.02.2019 at about 10.00 a.m., the respondents 2 to 4 herein accompanied with their accomplices, came and prevented the petitioner from entering into his tenanted premises and further, went to the

first floor of the premises wherein the petitioner's office situated and assaulted the petitioner's staff by name Stalin and Vasu. Thereafter, they made an attempt to take possession of the petitioner's tenanted premises and had driven the petitioner away. Under the said circumstances, the petitioner is before this Court for the relief of police protection based on the complaint given before the first respondent as referred above.

4. Now on go through the order dated 03.04.2019 passed in CrI.O.P.No.8997 of 2019, it seems that the very same petitioner herein for the same relief filed the said application under Section 482 of Cr.P.C praying to direct the police to give police protection to the petitioner based on the representation dated 25.02.2019 and the same has been disposed of by this Court with a direction to the first respondent police therein to conduct enquiry on the complaint alleged by the petitioner dated 25.02.2019 after giving opportunity of hearing to the counter part and pass orders on merits. Even after obtaining the positive order, the petitioner herein before this Court for the same relief prayed in CrI.O.P.No.8997 of 2019.

5. More than that, the dispute between the petitioner and the respondents 2 to 4 are civil in nature and the same has to be adjudicated only by the Court of law.

6. Now on go through the averments made in the counter affidavit filed by the second respondent, it seems that the petitioner herein is the legal agent of one Ram kumar and Padmanabhan who are the legal heirs of one Lakshmi Devi. The said Lakshmi Devi filed a suit in O.S.No.49 of 2015 in which decree is granted in her favour and the same was stayed by this Court in CMP.No.14245 of 2017 by order dated 31.08.2017. Therefore, in the absence of any specific decree in favour of the petitioner, this Court is not in a position to consider the prayer sought for by the petitioner positively in his favour. Apart from that, since the grievance addressed by the petitioner was already considered, no further order is necessary in this petition.

7. With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

To

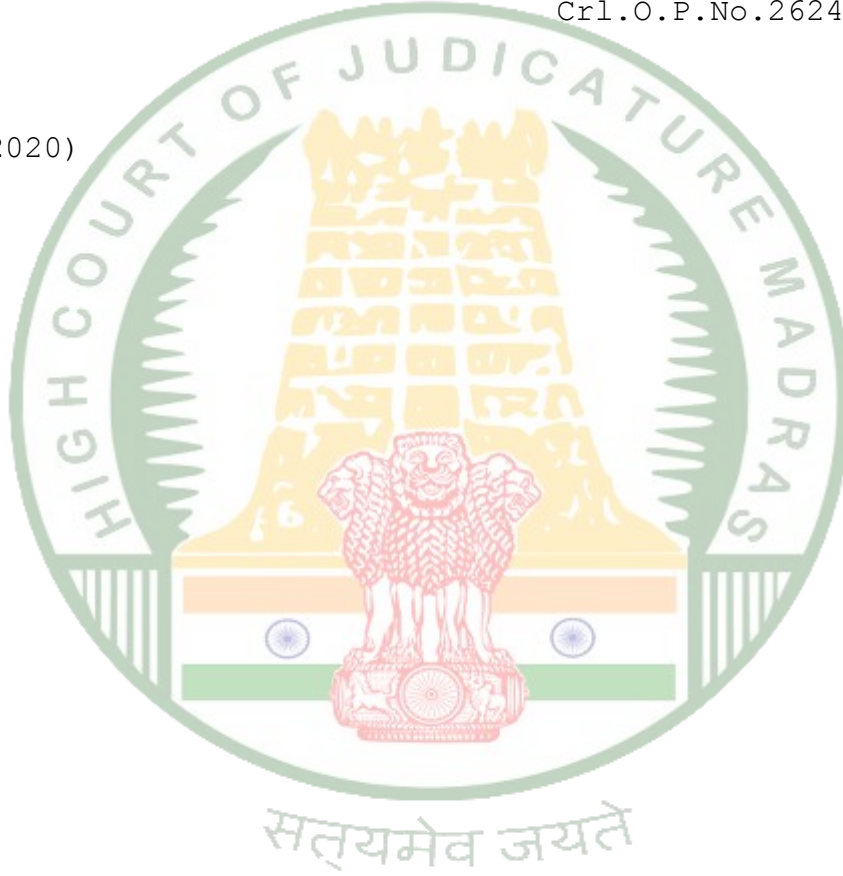
1.The The Inspector of Police,
V-3, JJ Nagar Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.K.S.Bharathy, Advocate, S.R.No. 34309

Cr1.O.P.No.26247 of 2019

SSV(CO)
GN(18/11/2020)



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