

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No. 26165 of 2019

F.Hajira

... Petitioner

Vs.

1. The Commissioner of Police,
E.V.K.Sampath Salai,
Vepery, Chennai-7.

2. The Inspector of Police,
B-1, North Beach Police Station,
Chennai - 1.

3. F.Hasan Abdul Kadar

4. F.Tajudeen

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first and second respondents to provide necessary police protection at petitioner's cost on the petitioner's representation dated 31.08.2019.

For Petitioner : Mr.A.E.Lakshminarayanan

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
for R1 & R2

Mr.K.T.Sankar Subramanian for R3

M/s.Rohini Ravikumar for R4

O R D E R

This Criminal Original Petition has been filed for a direction to direct the first and second respondents to provide necessary police protection on the petitioner's representation dated 31.08.2019.

2. The learned counsel for the petitioner would submit that the third and fourth respondents are the petitioner's sons and they 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 her sons. 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.A.E.Lakshminarayanan, learned Counsel for the petitioner, Mr.Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first and second respondents police, Mr.K.T.Sankar Subramanian, learned counsel for the third respondent and Mr/s.Rohini Ravikumar, learned counsel for the fourth respondent.

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 Commissioner of Police,
E.V.K.Sampath Salai,
Vepery, Chennai-7.
2. The Inspector of Police,
B-1, North Beach Police Station,
Chennai - 1.

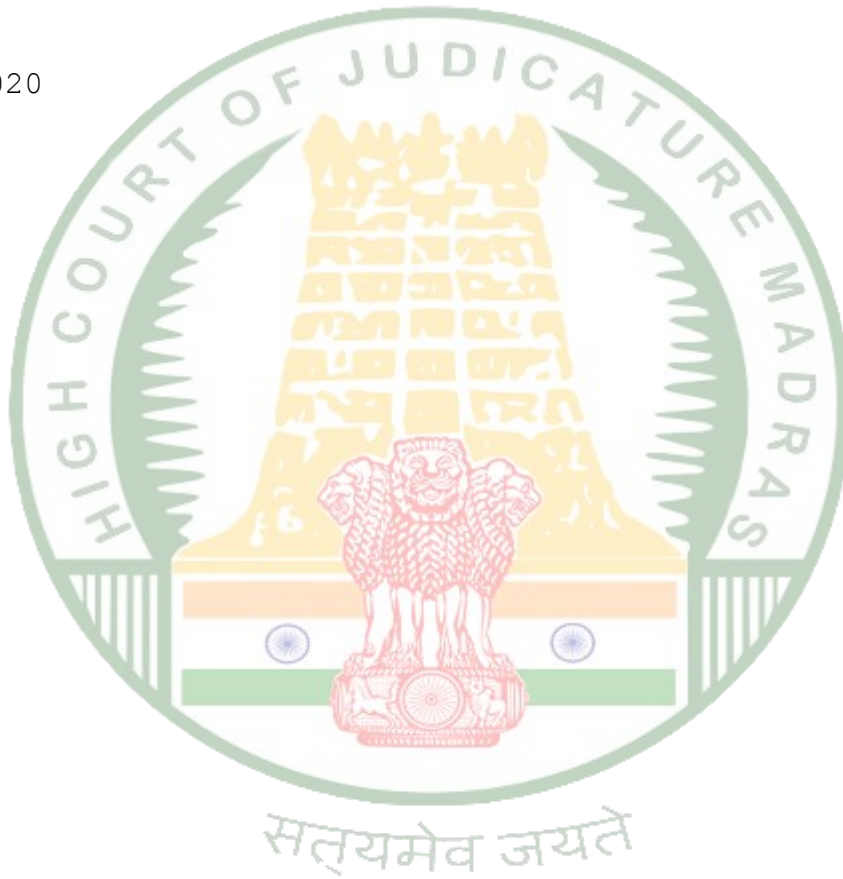
3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.Rohini Ravikumar Advocate sr19878

+1 cc to Mr.A.E.Lakshminarayanan Advocate sr19333

CRL.O.P.No. 26165 of 2019

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