

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P. No. 26487 of 2019

K.Bharathi

..Petitioner

Vs

1. State represented by
The Inspector of Police,
Pallipet Police Station,
Tiruvallur District.

2. N.Varadarajulu
3. N.Ravi
4. V.Vijayakumar
5. Hari

..Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to grant police protection to the petitioner based on the complaint given on 16.09.2019.

For Petitioner : Mr.G.P.Sivakumar

For Respondents

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

For R2 to R5 : Mr.B.Jawahar

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ORDER

This petition has been filed seeking for police protection to the petitioner and their men based on the complaint given on 16.09.2019.

2. It is seen from the records that the petitioner has already filed a suit in O.S.No. 86 of 2015 before the District

Munsif Court, Pallipattu. In the said suit, the petitioner has filed C.M.A. No. 1 of 2017, seeking for interim injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the petitioner's property. The Court below has also granted an order of injunction in favour of the petitioner.

3. The learned counsel for the petitioner would submit that in spite of the interim order, the respondents 2 to 5 is continuously interfering with the possession and enjoyment of the petitioner and they are threatening to the petitioner and therefore, the petitioner gave a complaint to the respondent police and sought 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 as the suit is pending before the Court below.

5. Heard Mr. G.P.Sivakumar, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent police.

6. The petitioner in this case has admittedly obtained an order of injunction against the respondents 2 to 5. The respondents 2 to 5 are continuously interfering with the possession and enjoyment of the petitioner's property. The petitioner has to file an appropriate petition before the Court below and to 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 known to law.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

arb/drl

To

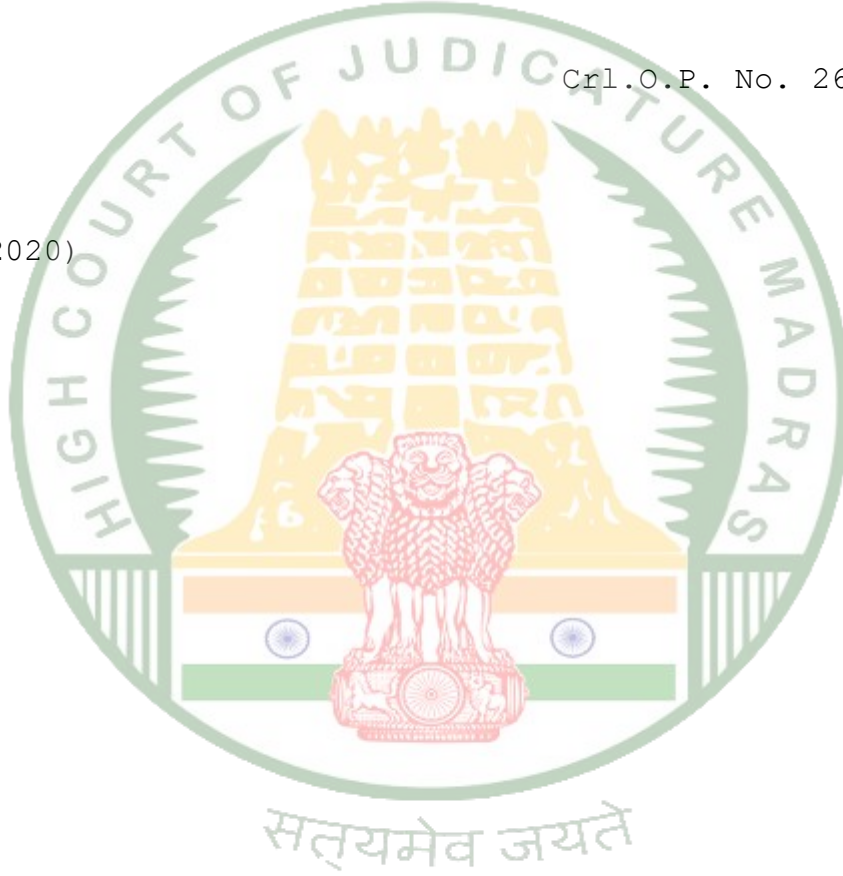
1. The Inspector of Police,
Pallipet Police Station,
Tiruvallur District.

2. The Public Prosecutor,
High Court,
Madras.

+1 cc to Mr.G.P.Sivakumar, Advocate, S.R.No.2104

Cr1.O.P. No. 26487 of 2019

PA (CO)
RN (26/05/2020)



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