

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 28037 of 2019

S.Jeevarani
W/o. Selvarasu,
No.9, Nehru Street,
Kabilar Nagar,
Manavalan Nagar,
Thiruvallur - 602 002.

...Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur - 602 002.
2. The Inspector of Police,
B-5, Manavalan Nagar Police Station,
Manavalan Nagar, Thiruvallur - 602 002.
3. Mr.K.Devadass,
S/o. Kannappa Reddy,
No.38, Nehru Street,
Kabilar Nagar,
Manavalan Nagar,
Thiruvallur - 602 002.
4. Mr.K.Moorthy
S/o. Kannappa Reddy,
No.107, Sriperumbudur High Road,
Vengathur Kandigai,
Manavalan Nagar Post,
Thiruvallur - 602 002.
5. Mrs. B.Mahalakshmi
W/o. Babu
6. Mr.Babu
7. Thulukkanam
8. Mrs.Meenakshi
9. Mrs.Manjula

All are residing at
No.38, Nehru Nagar,
Manavalan Nagar,
Thiruvallur - 602 002.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 2 to give police protection to the petitioner along with property bearing old Survey No.367/1D and in new survey No.367/1D1A as per Patta Number 6408 to an extent of 0.60 acres and in Survey No.367/1D3 as Patta Number. 5477 to an extent of 1.0 acres situated in Vengathur Village, Thiruvallur Taluk, Thiruvallur District to remove the encroachments from the Petitioner's properties based on the representations dated 25.06.2019 and 13.05.2019.

For Petitioner : Mr.D.Vijayan
For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor
for R1 & R2
: Mr.D.Madhusudhanan for R4 to R9

O R D E R

This petition has been filed to direct the respondents 1 and 2 to give police protection to the property bearing old Survey No.367/1D and in new survey No.367/1D1A as per Patta Number 6408 to an extent of 0.60 acres and in Survey No.367/1D3 as Patta Number. 5477 to an extent of 1.0 acres situated in Vengathur Village, Thiruvallur Taluk, Thiruvallur District to remove the encroachments from my properties based on the representations dated 25.06.2019 and 13.05.2019.

2. The learned counsel for the petitioner would submit that the respondents 3 to 9 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 the the property dispute is between the petitioner and the private respondents 3 to 9. He would further submit that the police cannot give police protection in a case of this nature.

4. Heard Mr.D.Vijayan, learned Counsel for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor for the respondents 1 and 2 and Mr.D.Madhusudhanan, learned counsel for the respondents 3 to 9.

5. The petitioner has to file an appropriate petition under Section 151 of Cr.P.C seeking police protection before the Court below. 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 dismissed, by giving liberty to the petitioner to workout her remedy before the Court below in the manner indicated herein above.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur - 602 002.
2. The Inspector of Police,
B-5, Manavalan Nagar Police Station,
Manavalan Nagar, Thiruvallur - 602 002.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No. 28037 of 2019

NRL (CO)
KKV/03/09/2020

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