

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 30610 of 2019

R.Jayaprakasam

... Petitioner

Vs.

1. The Superintendent of Police,
Perambalur District,
Perambalur.

2. The Inspector of Police,
Padalur Police Station,
Perambalur District.

3. Bharathi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to provide police protection to the petitioner and his property, situated at Pommanapadi Village, Perambalur Taluk and District, comprised in S.Nos.154/7, 154/8, 154/9, 154/10, 154/11, 154/12, 154/13, 154/14, 154/15, 154/17, 154/19 and 154/20 forthwith representation dated 02.08.2019.

For Petitioner : Mr.C.Prabakaran

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

ORDER

This Criminal Original Petition has been filed for a direction to direct the second respondent to provide police protection to the petitioner and his property, situated at Pommanapadi Village, Perambalur Taluk and District, comprised in S.Nos.154/7, 154/8, 154/9, 154/10, 154/11, 154/12, 154/13, 154/14, 154/15, 154/17, 154/19 and 154/20 forthwith representation dated 02.08.2019.

2. It is seen from records that the petitioner's father has already filed a suit in O.S.No.177 of 2017 before the District Munsif Court, Perambalur. In the said suit, the petitioner has filed I.A.No.1497 of 2017, seeking for interim injunction restraining the defendant from interfering 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 passed, the third is continuously 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 second 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.C.Prabakaran, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents police.

6. The petitioner in this case has admittedly obtained an order of injunction against the third respondent. The third 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 his 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,
Perambalur District,
Perambalur.

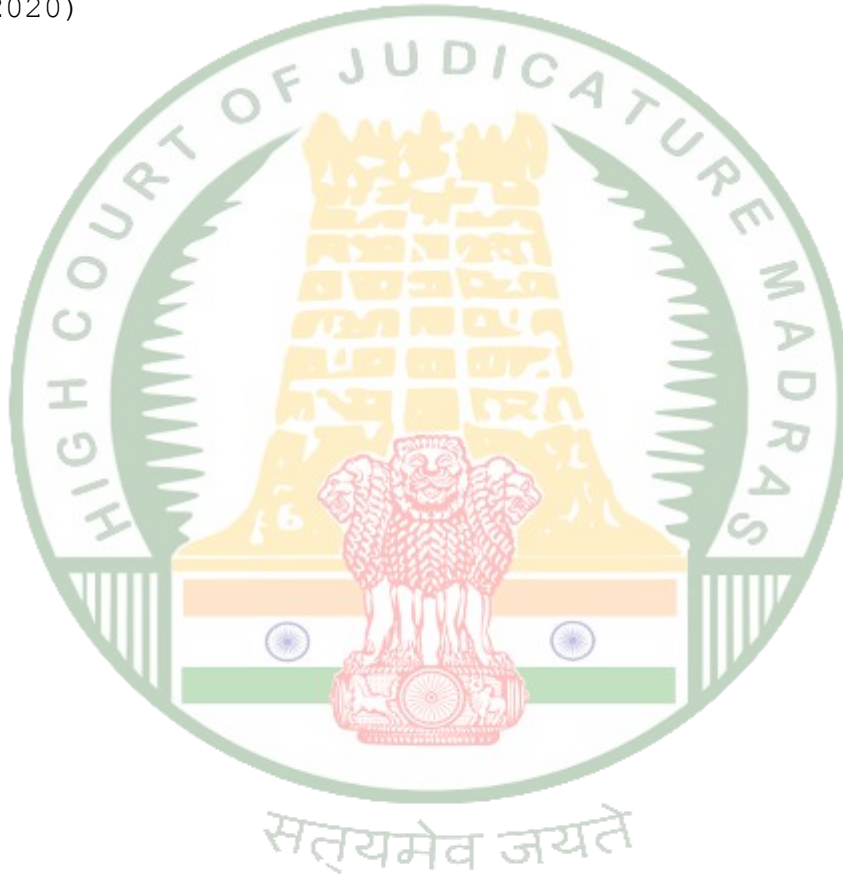
2. The Inspector of Police,
Padalur Police Station,
Perambalur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate SR.19842

CRL.O.P.No. 30610 of 2019

SSI (CO)
CB(28/05/2020)



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