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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.30874 OF 2019

Sheikh Kasim,
S/o.Hassen Noor Mohammed,
Kollapalli Village,
Thorapali Agraharam Post,
Hosur Taluk,
Krishnagiri District.

.. Petitioner

Vs.

1.The Inspector of Police,
Town Police Station,
Hosur - 635 109,
Krishnagiri District.

2.Anwar,
S/o.Bhudan Saheb,
Pathalapalli Village,
Perandapalli Post,
Hosur Taluk,
Krishnagiri District.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent police to provide protection to the petitioner's property situate at S.F.No.991/3A1C, 991/16, Sennathur Village, Hosur Taluk, Krishnagiri District in case of necessity.

For Petitioner : Mr.K.Govi Ganesan

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

O R D E R

This petition has been filed to direct the 1st respondent police to provide protection to the petitioner's property situate at S.F.No.991/3A1C, 991/16, Sennathur Village, Hosur Taluk, Krishnagiri District in case of necessity.



2. It is seen from records that the petitioner had purchased the subject property fifteen years ago. Due to his avocation, he was now residing in Mumbai and let the house and shops to third parties for rent.

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3. The learned counsel for the petitioner would submit that taking advantage of the absence of the petitioner, the second respondent herein, along with other rowdy elements are threatening his tenants continuously, interfering the possession and enjoyment of the property and and therefore, the petitioner sent a complaint to the first 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.

5. Heard Mr.K.Govi Ganesan, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first respondent police.

6. It is 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(CO)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Inspector of Police,
Town Police Station,
Hosur - 635 109,
Krishnagiri District.



2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.23856

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CS/14/07/2020

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