



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 30716 of 2019

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Udhayasankar

... Petitioner

Vs.

1.The Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram & District.

2.Bakiyalakshmi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st Respondent to provide police protection to the Petitioner for putting fencing in his land in S.No.441/3B2, situated at Sevellimedu Village, behind M G Palace, Kanchipuram and District as per the petitioner complaint dated 01.08.2019 on the file of the 1st respondent police.

For Petitioner : Mr.V.R.Kamalanathan

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

Mr. K.M.Balaji for R2

O R D E R

This petition has been filed for a direction to direct the first respondent to provide police protection to the petitioner for putting fencing in his land in S.No.441/3B2, situated at Sevellimedu Village, behind M G Palace, Kanchipuram and District as per the petitioner complaint dated 01.08.2019 on the file of the first respondent police.

2. The learned counsel for the petitioner would submit that the second respondent is interfering the possession and enjoyment of the petitioner and she is causing threat to the petitioner and therefore, the petitioner gave 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.



3. The learned Additional Public Prosecutor would submit that the petitioner has purchased the immovable property in the year 2007 from one Nagammal comprised in Old S.No.441/3, New S.No.441/3B to an extent of 30 cents and the same was registered as Document No. 2591 of 2007 at Sub Registrar Office (Joint), Kanchipuram and that a TASMAL Shop was opened by the TASMAL Department in the petitioner land. The second respondent was running bar without getting proper permission. In this regard, there is a civil dispute pending between the petitioner and the private respondent. 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.V.R.Kamalanathan, learned Counsel for the petitioner and Mr.Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first respondent and Mr.K.M.Balaji, learned Counsel for the second 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 his remedy before the Court below in the manner indicated herein above.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

dm

To

1.The Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram & District.



2. The Public Prosecutor,
High Court, Madras.

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+1 cc to Mr.K.M.Balaji Advocate sr23414

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