

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P. No. 31112 of 2019

M.Kannan

.. Petitioner

Vs

1. The Superintendent of Police,
Villupuram District, Villupuram.
2. The Sub Inspector of Police,
Keelkuppam Police Station,
Villupuram District.
3. Subramanian

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to directing the 2nd respondent police namely The Sub Inspector of Police, Keelkuppam Police Station, Villupuram District to give police protection to the petitioner and his family members restraining the said Subramanian and his family members and his men preventing them in any manner, the above said lands comprised in Survey Nos.110/1A, 110/1B, 110/1C, 112/1 lands totally 0.77 cents with a common right in the well being enjoyed by the petitioner.

For Petitioner : Ms.T.Nithya

For Respondents

For R1 & R2 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This petition has been filed seeking for police protection to the petitioner and his family members and his men preventing them in any manner, the lands comprised in Survey Nos.110/1A, 110/1B, 110/1C, 112/1 lands totally 0.77 cents with a common right in the well being enjoyed by the petitioner.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.413 of 2012 before the Principal District Civil Court, Kallakurichi and the same was decreed in his favour on 30.10.2013.

3. The learned counsel for the petitioner would submit that in spite of the Civil Court order, the third respondent is

continuously interfering the possession and enjoyment of the petitioner and causing threat to the petitioner and therefore, the petitioner gave a complaint to the 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 Ms.T.Nithya, 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 Civil Court order against the third respondent but, 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

arb

To

1. The Superintendent of Police,
Villupuram District, Villupuram.
2. The Sub Inspector of Police,
Keelkuppam Police Station,
Villupuram District.

2/3

3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.T.Nithya Advocate sr22259

Cr1.O.P. No. 31112 of 2019

aa03/06/2020



WEB COPY