

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P. No. 31700 of 2019

P.Srinivasa Reddy

... Petitioner

Vs.

1. State rep by
The Deputy Superintendent of Police,
Krishnagiri, Krishnagiri District.

2. The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.

3. Pappanna

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to issue direction to the Respondents 1 & 2 herein by considering the Petitioner's representation dated 06.11.2019 to provide police protection for the life and safety of the Petitioner and his family members and servants for putting up fencing and other miscellaneous works in the petitioner's property situated at Onnalavadi Village, consisting of agricultural land comprised in Survey Nos. 805/2A, 806/3 and 806/4, 806/1 having an extent of 2 acres 16 cents situated at Onnalavadi Village, near ITI Technical Institute, Gaythiri Petrol Bunk within the Madigiri Police Station, Krishnagiri District.

For Petitioner : Mr. R.Ramesh

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

For R3 : Mr.V.Raghavachari

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ORDER

This petition has been filed seeking for police protection to the petitioner and his family members and servants for putting up fencing and other miscellaneous works in the petitioner's property situated at Onnalavadi Village, consisting of agricultural land comprised in Survey Nos. 805/2A, 806/3 and 806/4, 806/1 having an extent of 2 acres 16 cents situated at Onnalavadi Village, near ITI Technical Institute, Gaythiri Petrol Bunk within the Madigiri Police Station, Krishnagiri District.

2. It is seen from records that there was a civil dispute between the petitioner and the third respondent in respect of the property situated at Onnalavadi Village, near ITI Technical Institute, Krishnagiri District to an extent of 2 acres 16 cents. Thereafter, the petitioner filed a suit in O.S. No. 483 of 1986 before the Principal District Munsif Court, Hosur and the same was dismissed on 31.12.2001. Against that order, the petitioner has filed an appeal suit in A.S. No. 15 of 2012 and the suit was also dismissed on 06.08.2002.

3. The learned counsel for the petitioner would submit that the petitioner purchased the property by a registered sale deed from the third respondent. In spite of the Civil Court order passed, 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. सत्यमेव जयते

5. Heard Mr.R.Ramesh, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent police.

6. It is seen that there was a dispute between the petitioner and the third respondent with regard to the land. On the complaint lodged by the petitioner, the second respondent issued CSR in CSR. No. 38 of 2019, which is closed on 28.11.2019. Therefore, the police protection cannot be considered. The third respondent is continuously interfering the possession and enjoyment of the petitioner. The petitioner has to file an appropriate suit before the civil Court. 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

arb/drl

To

1. The Deputy Superintendent of Police,
Krishnagiri, Krishnagiri District.
2. The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.R.Ramesh, Advocate, Sr.No.21053

CRL.O.P. No. 31700 of 2019

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AK(CO)
Jas/29/05/2020