

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.OP.No.34512 of 2019

Kannan

.. Petitioner

-vs-

1.The State Represented by
The Inspector of Police,
Kondampalayam Police Station,
Ranipet District.

2.Alex

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to give police protection to the petitioner and his family members on the basis of representation dated 25.11.2019 without due process of law.

For Petitioner : Mr.G.Thamizhazhagan

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

ORDER

This petition has been filed to direct the police to give police protection to the petitioner and his family members based on the petitioner's representation dated 25.11.2019.

2. The learned counsel for the petitioner has submitted that the petitioner has already filed a suit against one Sambasivam in OS.No.165 of 2009 on the file of the District Munsif, Sholingur and in the said suit a decree was passed on 15.02.2010 directing the defendant therein not to disturb the petitioner herein in the suit property till the partition among them is effected. He further submitted that now the said Sambasivam's brother's son (R2) is giving troubles to the petitioner and hence the petitioner has lodged a complaint before the first respondent on 25.11.2019 seeking police protection, but so far no action has been taken.

3. Per contra, the learned Additional Public Prosecutor has submitted that in the civil dispute, the police cannot give any police protection to the petitioner.

4. A perusal of the decree passed in OS.No.165 of 2009 shows that the petitioner herein has filed a suit against one Sambasivam seeking permanent injunction not to disturb him until partition is effected among them and the said suit was decreed on 15.02.2010.

5. Admittedly, the petitioner has not filed any suit against the second respondent. If the petitioner is not able to enjoy the properties with other co-owners, he should file a suit for partition and separate possession and thereafter if anyone interfere with his peaceful possession and then he can file another suit for permanent injunction and if necessary, he can get order for police protection before the civil court itself. Instead of that, he cannot file this kind of petition. Hence this petition is dismissed.

6. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Kondampalayam Police Station,
Ranipet District

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Ashok kumar, advocate,sr.8351.

Sr(co)
krd 26/6

CRL.O.P.No.34512 of 2019