

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3366 of 2018

T.S.Mayilsamy

..Petitioner

Vs

1. The Commissioner of Police,
Commissioner office,
Coimbatore.

2. The Inspector of Police,
Vadavalli Police Station,
Coimbatore.

3. Lakshmi

4. Thirumoorthi

5. Nataraj

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondents to provide police protection to the petitioner and his property vide

document Nos.1/60/1, D No.1/60/2, D.No.1/60/3, D.No.1/60/4, d.No.1/60/5, and D No.1/60/6.

For Petitioner : Mr.I Abrar Md Abdullah
For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor
for R1 and R2.
Mr.K.Myilsamy
for R3 to R5.

ORDER

This Criminal Original Petition has been filed seeking for police protection to the petitioner based on the complaint given by the petitioner on 08.07.2017.

2. It is seen from records that the petitioner has filed a suit against respondents 3 to 5 in O.S.No.912 of 2014 before the 1st Additional District Munsif Court, Coimbatore, seeking for the relief of permanent injunction. This suit was decreed by judgement and decree dated 17.09.2014. The grievance of the petitioner is that inspite of the decree passed in favour of the petitioner, the private respondents are continuing to cause

threat to the petitioner and are disturbing the possession and enjoyment of the subject property. The petitioner gave a complaint to the respondent police, seeking for police protection and since the same was not acted upon, the present Criminal original petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of respondents.

4. Taking into consideration the facts and circumstances of the case and also the decree passed in favour of the petitioner in O.S.No.912 of 2014, there shall be a direction to the 2nd respondent to call the parties for an enquiry and instruct the respondents 3 to 5 not to cause any threat or disturb the petitioner from enjoying his property. The respondents 3 to 5 will have to necessarily work out their remedy only in accordance with law and they cannot violate the decree passed by the

Competent Civil Court. If any law and order problem is created, the 2nd respondent shall take immediate action in accordance with law. If necessary, police protection shall also be granted to the petitioner. However, it is made clear that if any appeal has been filed against the decree passed in the suit and it is pending, the 2nd respondent can direct the parties to work out their remedy before the Civil Court.

5. This Criminal Original Petition is disposed of with the above directions.

20.01.2021

rka

Index: Yes/No

Internet: Yes/No

To

1. The Commissioner of Police,
Commissioner office,
Coimbatore.
2. The Inspector of Police,
Vadavalli Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH.,J

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