



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.07.2021
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19707 of 2018

K.P.V.Krishnan
S/o.K.Raman

... Petitioner

Vs.

State Rep.by

1.The Commissioner of Police,
Greater Chennai, Chennai.

2.The Inspector of Police,
J6, Thoraipakkam Police Station, Chennai.

3.JDA Consultancy Services Pvt.Ltd.,
Rep.by its Managing Director,
Casa Blanks Complex, First Floor,
Egmore, Chennai-600 008.

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to provide adequate police protection based on the complaint dated 01.06.2018.

For Petitioner : Mr.J.Sudhakaran

For Respondents: Mr.C.E.Pratap
Government Advocate (Criminal Side)

ORDER

(The Case has been heard through Video Conference)

This criminal original petition has been filed to direct the 2nd respondent to provide adequate police protection based on the complaint dated 01.06.2018.

2.The case of the prosecution is that the petitioner's wife is the absolute owner of the property in Plot Numbers 72 and 73 admeasuring to an extent of 2200 Sq.Ft each comprised in Survey Number 428/5 part, of Rajiv Garden Layout, Okkiam Thoraipakkam Village, Sholinganallur Taluk, Kancheepuram District, by virtue of a registered deed of sale dated 17.02.2005 and registered as Document Number 834 of 2005 in the office of the Sub Registrar, Neelangarai, Chennai. In the year 2015, the third respondent attempted to interfere with the peaceful possession of the



property where the petitioner has been living with his wife and enjoying the property under the guise of sale of a larger extent of the property comprised in concerned Survey number among other numbers in pursuance of Recovery Certificate No.187/2001 dated 11.12.2001 and a sale certificate number 1716 of 2007 dated 03.01.2007 allegedly issued in its favour by the Indian Bank. While so, as against the said sale certificate, the petitioner filed a civil suit in C.S.No.150 of 2010 on the file of this Court against the Indian Bank and others including the third respondent, thereby challenging the validity of the said recovery certificate and sale certificate which were allegedly issued in favour of the third respondent and subsequently the said suit was transferred to VI Additional Judge, City Civil Court, Chennai and renumbered as O.S.No.9053 of 2010. The said suit was decreed in favour of the petitioner's wife by a decree dated 10.06.2015. As against the same, no appeal was preferred either by the Indian Bank or by the third respondent or any by other party. While so, the private respondents were frequently interfering with the petitioner's property. Thereby the petitioner filed the present Criminal Original Petition under Section 482 Cr.P.C., seeking police protection.

3.Mr.J.Sudhakaran, learned counsel appearing for the petitioner would submit that though the decree was granted by the Civil Court and remedy is also available before the same Court, however, for appropriate remedy, the petitioner approached this Court and filed the present petition has been filed under Section 482 of Cr.P.C. Hence, the learned counsel seeks to grant liberty to the petitioner to file a appropriate petition before the VI Additional Judge, City Civil Court, Chennai, if any party is interfering with the petitioner's peaceful possession of the property.

4.Recording the same, this Criminal Original Petition is Closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gbi
To

1.The VI Additional Judge, City Civil Court, Chennai,



2.The Commissioner of Police,
Greater Chennai, Chennai.

2.The Inspector of Police,
J6, Thoraipakkam Police Station, Chennai.

3.The Public Prosecutor,
High Court of Madras.
Chennai.

Crl.O.P.No.19707 of 2018

pch(CO)
A.SK(06.08.2021)