

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17038 of 2020

D.Dhanalakshmi

...Petitioner

.Vs.

1.The Commissioner of Police,
No.132 Commissioner Office Buildings,
EVK Sampath Road,
Vepery, Periyamet,
Chennai 600 007.

2.The Deputy Commissioner of Police,
Old Municipality Building,
1st Floor,
Avadi,
Chennai 600 054.

3.The Inspector of Police,
Pattabiram Police Station,
22, Gandhi Road,
Chennai.

4.P.Lathalet

5.Johnson

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents to direct the 3rd respondent to give adequate police protection for the life and limb of the petitioner and her family and the house property against the above 4th and 5th respondents and their henchmen in accordance with law.

For Petitioner : Mr.ARL.Sundaresan, Sr.Counsel
for Mr.A.Thiyagarajan

For RR 1 to 3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For RR 4 & 5 : Mr.B.Gandhi

O R D E R

This Criminal Original Petition has been filed seeking for police protection against the 4th respondent based on the complaint given by the petitioner on 06.08.2020, 07.08.2020 and 04.09.2020.

2.It is seen from records that there is already a suit filed by the petitioner and the same is pending in O.S.No.161/2016, before the Additional District Munsif Court, Poonamalee. If the petitioner is seeking for a protection from interfering with the property, the petitioner will have to necessarily file an appropriate application before the concerned court. The respondent police will not have any role to play at this stage unless any orders are passed by the competent civil court and it will also be open to the petitioner to seek for police protection by filing an application under Section 151 of Cr.P.C. The civil court is vested with the power and the entire materials are available before the civil court to pass appropriate orders. Therefore, this Court in exercise of its jurisdiction under Section 482 of Cr.P.C., will not issue any direction for police protection in a property dispute. The law on this issue is well settled. Except giving this liberty to the petitioner, no further orders can be passed in this criminal original petition.

3.This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KP

To

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2.The Deputy Commissioner of Police,
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3.The Inspector of Police,
Pattabiram Police Station,
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SV(CO)
CB(03/03/2021)



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