

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17964 of 2020

M.Babu

...Petitioner

.Vs.

1.State by
Inspector of Police,
F-2, Egmore Police Station,
Chennai 8.

2.G.Gajapathy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to provide police protection to the petitioner and his property located at New Door No.34, Old Door No.12, Velayudha Achari Street, Komaleeswaranpet, Chennai-2.

For Petitioner : Mr.Manoj Sreevalsan

For R 1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for police protection based on the complaint given by the petitioner to the respondent police on 04.09.2020.

2.It is seen from records that the petitioner is a tenant in the subject property. There was an attempt made to dispossess the petitioner from the property and hence he filed O.S.No.5211/2007, against one P.Anandan and another and this suit was decreed in favour of the petitioner. Thereafter, those persons have filed an eviction petition before the Rent Control Court and it is stated that the same was dismissed.

3.The further case of the petitioner is that the 2nd respondent who was permitted to use the vacant portion in the subject property started disturbing the petitioner and he also filed a suit in O.S.No.2491 of 2012, against the petitioner claiming for the relief of permanent injunction. This suit was decreed by a judgment and decree dated 26.02.2015. Aggrieved by the same, the petitioner filed an appeal in A.S.No.162 of 2015 and the appeal was allowed by a judgment and decree dated 06.07.2016. It is brought to the notice of this Court that the Second Appeal filed by the 2nd respondent is pending on the file of this Court.

4.The petitioner states that in the meantime, the 2nd respondent was attempting to forcibly disposses the petitioner and was causing threat to the petitioner . Hence, the petitioner gave a complaint before the respondent police on 26.08.2020. Since no action was taken, a petition was filed before the learned XIV Metropolitan Magistrate Court, Egmore, under Section 156(3) of Cr.P.C. It is seen that an order was passed on 07.10.2020, directing the police to register an FIR. The grievance of the petitioner is that inspite of this order, no FIR has been registered till date and the threat to the petitioner continues. Left with no other option, the present petition has been filed before this Court.

5.Heard Mr.Manoj Sreevalsan learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the 1st respondent.

6.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this petition, there shall be a direction to the 1st respondent to immediately call the parties for an enquiry. The 1st respondent shall instruct the 2nd respondent not to cause any threat or disturbance to the possession and enjoyment of the property of the petitioner. The 2nd respondent shall be directed to work out his remedy in the pending appeal before this Court and await for the final orders in the Second Appeal. If inspite of such instructions, the 2nd respondent continues to involve in causing threat to the petitioner, action shall be taken against him immediately. The 1st respondent shall immediately act upon the order passed by the learned XIV Metropolitan Magistrate, Egmore and register an FIR against the 2nd respondent and if required grant police protection to the petitioner. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of this order.

7.This criminal original petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KP

To

1.Inspector of Police,
F-2, Egmore Police Station,
Chennai 8.

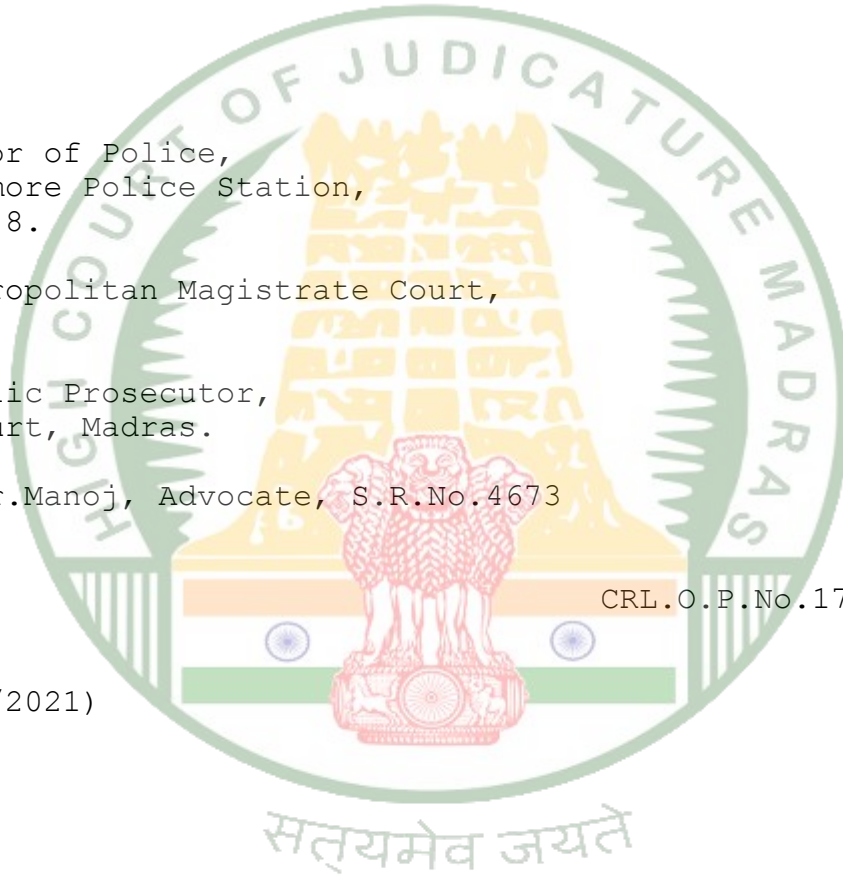
2.XIV Metropolitan Magistrate Court,
Egmore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Manoj, Advocate, S.R.No.4673

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LN(CO)
NRA(17/02/2021)



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