



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16555 of 2021

R.Vijayakumar

...Petitioner

Versus

1. The Inspector of Police,
Karumathupatti Police Station,
Coimbatore District.

2. The Sub Inspector of Police,
Karumathupatti Police Station,
Coimbatore District.

3. B.Viswanathan

4. B.Lokeshkumar

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct 1st and 2nd respondents to provide police protection to the petitioner and their family members to use the cart track 30 feet breadth North-South leading to Salaiyur Road, Coimbatore District, which belong to Mopiripalayam Village Panchayat., on the basis of the complaint dated 23.03.2021 in CSR No.70 of 2021.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.S.Vinoth Kumar
Nos.1 & 2 Government Advocate (Crl. Side)

ORDER

The petitioner has filed a civil suit in O.S.No.191 of 2021 before the Sub-Court, Coimbatore, seeking restraintment of the 3rd and 4th respondents and others not to prevent the petitioner from using the Village Panchayat Road. Further, he filed I.A.No.3/21 for appointment of Taluk Surveyor along with an Advocate Commissioner to survey and file report, which was negatived by the trial Court, against which, the petitioner had filed CRP (PD).No.1590 of 2021 and this Court, on 11.08.2021 had



passed the order directing the Sub Judge, Coimbatore, to give notice to the petitioner as well as the respondents and other defendants and further, directed to appoint an Advocate commissioner to inspect the suit property along with the Sulur Taluk surveyor. In view of the order of the Court, the respondents to give Police Protection to the petitioner and his family members to use the Cart Track.

2.The learned Government Advocate (Crl.side) submits that in this case, already civil suit is pending between the petitioner and the others and the 4th and 5th respondents are one of the defendants in the civil suit filed by the petitioner. The civil suit is yet to reach finality in this case. In view of the same, the respondents police cannot take any action, which would amount to presupposing the civil suit.

3.Considering the submission and the facts that the civil suit is pending and recently this Court ordered appointment of commissioner and surveyor, this Court is not inclined to pass any specific order. Accordingly, the criminal original petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms/drm

To

- 1.The Inspector of Police,
Karumathupatti Police Station,
Coimbatore District.
- 2.The Sub Inspector of Police,
Karumathupatti Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16555 of 2021

PA (CO)
PR (18/10/2021)