

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 06.01.2021
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.21071 of 2020

G.R.Sridharan

.. Petitioner

Vs.

1. State Rep. by

The Inspector of Police,
Manavala Nagar Police Station,
Manavala Nagar at Melanallathur,
Thiruvallur Taluk & District.

2. R.Damodharan

3. R.Alavandar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to accord police protection to the petitioner and his labourers and prevent the trespassers from threatening the petitioner and encroaching the petitioner's land situate in No.120, Perambakkam Village, Thiruvallur District and Taluk, measuring about 10 acres and set law in motion.

For Petitioner : Mr.B.Ravi

For Respondent-1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection based on the complaint given by the petitioner on 31.01.2020 and 06.02.2020.

2.The case of the petitioner is that his brother who is the 2nd respondent herein disputed the title of the petitioner in the subject property and was attempting to interfere with the possession and enjoyment of the property. This resulted in the petitioner filing the suit in O.S.No.11 of 2014 on the file of the District Munsif Court, Thiruvallur seeking for the relief of declaration of title and permanent injunction. This suit was decreed by judgement and decree dated 26.07.2012. The same came to be challenged by the 2nd respondent by filing an Appeal in A.S.No.48 of 2012 and the Appeal was allowed by the Sub Court,

Thiruvallur by judgment and decree dated 08.01.2014. Aggrieved by the same, the petitioner filed second appeal in S.A.No.526 of 2014 before this Court and this Court by judgment and decree dated 08.11.2019 allowed the second appeal and thereby the judgment and decree passed in favour of the petitioner by the trial Court was restored.

3.The grievance of the petitioner is that in spite of the judgment and decree passed by the competent civil court, the 2nd and 3rd respondents were attempting to illegally trespass into the property and the same resulted in lodging a police complaint and an FIR was also registered in Crime No.65 of 2013. According to the petitioner, the 2nd and 3rd respondents are indulging in causing threat to the petitioner and his family members and hence a complaint was given before the respondent police on 31.01.2020 and 06.02.2020 seeking for police protection. Since the same was not acted upon, the present petition has been filed before this Court seeking for appropriate directions.

4.Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the 1st respondent.

5.Taking into consideration the facts and circumstances of the case and also taking note of the judgment and decree passed in favour of the petitioner by a competent Civil Court, there shall be a direction to the 1st respondent to immediately act upon the complaint given by the petitioner and call the parties for an enquiry. The 1st respondent shall instruct the 2nd and 3rd respondents not to exert any threat on the petitioner and his family members and if at all they have any right, to agitate the same in the manner known to law. If in spite of the instructions, the 2nd and 3rd respondent continue to indulge in any threat or violence, action shall be taken against them in accordance with law. If necessary, police protection shall also be granted to the petitioner. The petitioner is directed to make a fresh complaint to the 1st respondent along with the copy of this order.

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

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

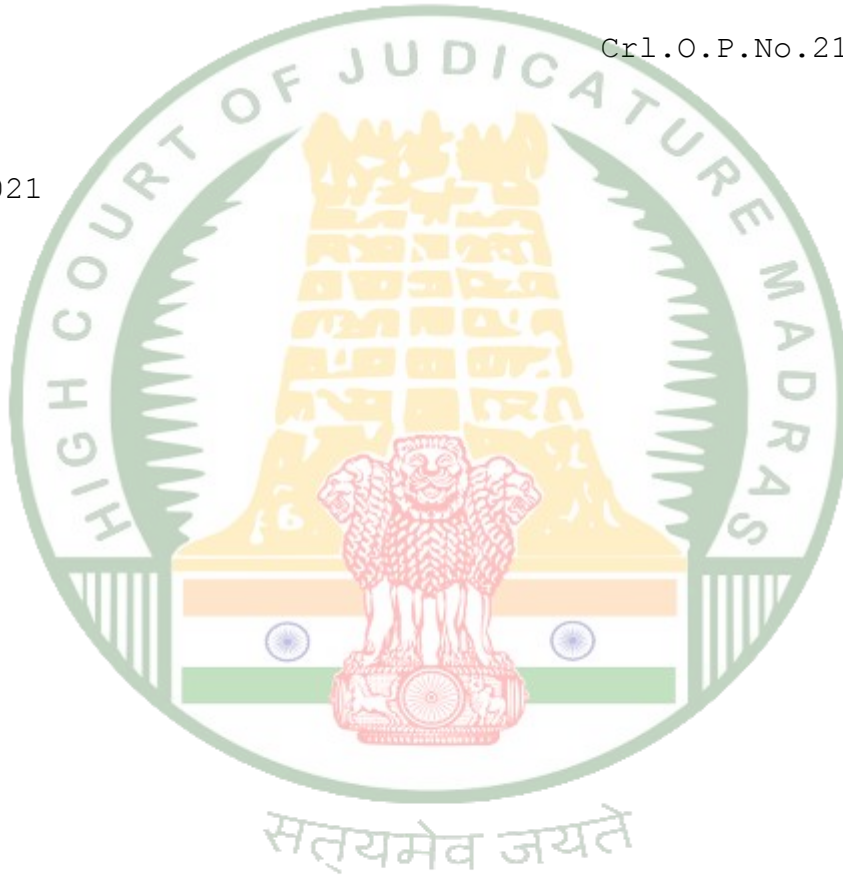
To

1. The Inspector of Police,
Manavala Nagar Police Station,
Manavala Nagar at Melanallathur,
Thiruvallur Taluk & District.
2. The Additional Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Subramanian Advocate sr378

Cr1.O.P.No.21071 of 2020

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