



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.18381 of 2021

Safiyullakhan.S.
Proprietor of
"King Toys" - Shop No.1,
No.98/150, Usmaan Road,
T.Nagar, Chennai - 600 017.

... Petitioner

Vs.

1.The Inspector of Police,
R-1 T.Nagar Police Station,
Law & Order,
T.Nagar,
Chennai - 600 017.

2.Kailasam

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the 1st respondent to give police protection to the petitioner representation letter dated 21.08.2021.

For Petitioner : Mr.N.Sivakumar

For R1 : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 1st respondent to give police protection to the petitioner, based on his representation, dated 21.08.2021.



2. The petitioner has some dispute with the landlord's son, Swaminathan, due to which, the said Swaminathan, along with one Ramesh, and Hyder Khan, attempted to take illegal possession of the petitioner's shop. The petitioner's contention is that he had paid huge advance and is also paying regular monthly rent without any default. The petitioner, for the assault, had lodged a complaint and C.S.R.No.310 of 2021 was assigned, and thereafter, the said Swaminathan had also lodged a complaint and a separate CSR number was assigned and both the C.S.R.s are pending. In the meanwhile, the petitioner had filed a Civil Suit in O.S.No.5293 of 2021 on the file of the VII Assistant City Civil Court, Chennai, and an interlocutory application seeking interim protection was also filed in I.A.No.3 of 2021 and notice was also ordered in I.A.No.3 of 2021. The landlord, on receipt of the notice, had lodged a false complaint and again sent his henchmen and damaged the shop of the petitioner and removed the CCTV Cameras and other valuables and caused a loss of a sum of Rs.4,00,000/-, for which, a complaint was also lodged by the petitioner and C.S.R.No.363 of 2021 was assigned. Now, the petitioner is fearing for his life and property and he is unable to continue with his livelihood, and prays for police protection.

3.The learned Additional Public Prosecutor, appearing for the 1st respondent, submits that, both the C.S.R.Nos.310 and 363 of 2021 had been enquired and closed, and both the parties have been advised to approach the Civil Court, as already a civil suit in O.S.No.5293 of 2021 is pending and the petitioner has also filed I.A.No.3 of 2021 for interim protection, wherein, notice has been ordered. He further submitted that the petitioner, having already sought for an injunction from the Civil Court, is now trying to involve the Police in a civil dispute between the parties.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Considering the facts of the case and the submissions made by the learned Additional Public Prosecutor, the petitioner is directed to approach the Civil Court and it is for the petitioner to seek appropriate relief from the Civil Court. However, considering the submissions of the learned counsel for the petitioner, the respondent police is directed to give



protection to the life and safety of the petitioner.

With the above directions, this Criminal Original Petition is disposed of.

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Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

mkn

To

1.The Inspector of Police,
R-1 T.Nagar Police Station,
Law & Order,
T.Nagar,
Chennai - 600 017.

2.The Public Prosecutor,
High Court, Madras.

+2CCs to M/s.Rex Lege Associates, Advocate, SR.No. 53672

Cr1.O.P.No.18381 of 2021

RGN(CO)
B.VC (28/10/2021)