



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.19142 of 2021

J.Rajkumar
S/o.Jaganathan

... Petitioner

Vs.

State by

1.The Superintendent of Police
Coimbatore Rural District
O/o. Superintendent of Police
Coimbatore - 18

2.The Inspector of Police,
Thadagam Police Station
Thadagam Coimbatore District

3.The Inspector of Police
Thudiyalur Police Station
Thudiyalur, Coimbatore District

4.S.Marimuthu

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to issue directions, directing the 3rd respondent police to give adequate police protection to the petitioner and his family members on the basis of the complaint made by the petitioner on 27.09.2021.

For Petitioner : Ms.R.Hemalatha

For Respondents 1 to 3 : Mr.R.Vinothraja
Government Advocate (Cr1. Side)



O R D E R

This petition has been filed seeking for a direction, directing the 3rd respondent police to give adequate police protection to the petitioner and his family members on the basis of the complaint made by the petitioner on 27.09.2021.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.656 of 2018 before the V Additional District Court, Coimbatore, seeking for a permanent injunction restraining the defendant from interfering the peaceful possession and enjoyment of the petitioner's property until the realisation of the suit claimed amount and the same is pending.

3.The learned counsel for the petitioner would submit that in spite of the civil suit pending, the 4th respondent is continuously interfering with the possession and enjoyment of the petitioner and he is also causing threat to the petitioner and therefore, the petitioner gave a complaint to the respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4.Learned Government Advocate (Cr1. Side) would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

5. Heard Ms.R.Hemalatha, the learned Counsel for the petitioner and Mr.R.Vinothraja, the learned Government Advocate for the respondent police.

6.The petitioner in this case has admittedly filed a suit for permanent injunction against the 4th respondent. The 4th respondent is continuously interfering the possession and enjoyment of the petitioner. The petitioner has to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere



in this case, unless, a specific direction is given by a competent Civil Court.

7. In view of the above, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to workout his remedy before the concerned Civil Court in the manner indicated herein above.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

kas / jeni

To

1.The Superintendent of Police
Coimbatore Rural District
Coimbatore - 18

2.The Inspector of Police,
Thadagam Police Station
Thadagam Coimbatore District

3.The Inspector of Police
Thudiyalur Police Station
Thudiyalur, Coimbatore District

4.The Public Prosecutor
High Court, Madras.

+1CC to M/s.R.Hemalatha, Advocate, SR.No. 54045

Cr1.O.P.No.19142 of 2021

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