

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.20801 of 2020

Nalini

... Petitioner

.Vs.

1. The State rep. By
The Assistant Commissioner of Police,
Sembiam Range, Chennai.
2. The Inspector of Police,
K-9, Thiru-vi-ka Nagar Police Station,
Chennai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to give police protection based on the petitioner's complaint dated 07.10.2020 and 1.12.2020.

For Petitioner : Mr.G.Anbuchezeiyan

For R1 & R2 : Mr.M.Mohamed Riyaz

Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for Police Protection from the 2nd respondent Police based on the complaint given by the petitioner on 7.10.2020 and 1.12.2020.

2. It is seen from records that the petitioner and her daughter had filed a suit against Elumalai and three others in O.S.No.1269 of 2016 seeking for the relief of permanent injunction and a decree came to be passed in favour of the petitioner by judgment and decree dated 20.12.2019. The grievance of the petitioner is that inspite of the decree passed in favour of the petitioner, the defendants with the help of their henchmen managed to forcibly enter upon the property. A complaint was given to the respondents in this regard on 7.10.2020 and 1.12.2020. Since no action was taken by the respondents, the present petition has been filed seeking for appropriate directions.

3. Heard Mr.G.Anbuchezeiyan, learned counsel for petitioner and Mr. M. Mohamed Riyaz, learned Addl. Public Prosecutor appearing for the respondents.

4. In the considered view of this Court, the finding of the Court below is to the effect that the petitioner and her daughter are in possession and enjoyment of the subject property. However the complaint given by the petitioner to the respondents reads as if the defendants in the suit along with 10 others forcibly entered the property and illegally evicted the petitioner.

5. In the facts and circumstances of the case, it will be fit and proper for the petitioner to file an Execution Petition under Order 21, Rule 32 of CPC and execute the decree, if according to the petitioner, there is any violation of the decree passed in favour of the petitioner. Even at the time of considering the EP, the executing Court can always order for police protection based on the materials placed before it. This case involves certain appreciation of facts by the execution court which will be more competent to handle the grievance expressed by the petitioner. Therefore, liberty is granted to the petitioner to file an execution petition before the concerned Court and work out her remedy in accordance with law.

6. This Criminal Original Petition is disposed with the above direction.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Assistant Commissioner of Police,
Sembiam Range, Chennai.
2. The Inspector of Police,
K-9, Thiru-vi-ka Nagar Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Anbuchezhian, Advocate, Sr.No.339

msr

CrI.O.P.No.20801 of 2020

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