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Crl.O.P No.23898 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.23898 of 2019

G.Balakrishnan

... Petitioner

Vs.

1.The Inspector of Police
J-8, Neelangarai Police Station
Neelangarai
Chennai-115.

2.A.Kuppan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 1st respondent to provide police protection to the petitioner for peaceful enjoyment and possession of the property located in Old Survey No.58/1, and New Survey No.98/11 and 98/13, situated in Neelangarai Village, Sholinganallur Taluk, Kancheepuram District.

For Petitioner : Mr.AMI.V.Kataria

For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
No Appearance for R2



ORDER

WEB COPY This Criminal Original Petition has been filed, seeking to direct the 1st respondent to provide police protection to the petitioner for peaceful enjoyment and possession of the property located in Old Survey No.58/1, and New Survey No.98/11 and 98/13, situated in Neelangarai Village, Sholinganallur Taluk, Kancheepuram District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the 1st respondent.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the subject property situated in Survey No.98/13 at Neelangarai Village, Sholinganallur Taluk, Kancheepuram District; while the petitioner started to put up construction over the same, the 2nd respondent who has got no manner of right over the property, was giving troubles and hence the petitioner has given a representation to the 1st respondent police seeking for police protection; the petitioner is receiving constant threat from the 2nd respondent and hence, police protection should be accorded; but so far, no action has been taken.



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4. The learned Government Advocate (Crl. Side) submitted that on the representation given by the petitioner dated 20.07.2019, a current paper enquiry has been initiated in CSR No.362 of 2019 and after enquiry, the same was closed on 30.07.2019, as the matter is civil in nature; thereafter, 145 Cr.P.C proceedings have been initiated in Crime No.245 of 2019.

5. Since the parties have disputes in respect of the same subject matter, they have to resolve it only before the civil court. The cause of action for the civil suit cannot be circumvented in the form of petition for police protection. In case, the petitioner obtains favourable orders on merits from the Civil Court, then the petitioner is at liberty to file a fresh representation seeking police protection on the strength of the order from the civil court. Before that, it is only appropriate to impress the 1st respondent police not to interfere in civil dispute between the parties.

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

16.12.2022

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA.,J
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To

1.The Inspector of Police
J-8, Neelangarai Police Station
Neelangarai
Chennai-115.

2.The Public Prosecutor
High Court of Madras.

Crl.O.P No.23898 of 2019

16.12.2022