



Crl.O.P.No.27308 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.27308 of 2022

S.Prakash

...Petitioner

Vs.

1.The Assistant Commissioner of Police
J-8, Neelangarai Range
Greater Chennai
Chennai.

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

3.Ayyappa Prem

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. praying to issue a direction to the respondents 1 & 2 to give police protection to the petitioner based on the complaint dated 19.09.2022 and CSR No.662/2022, dated 20.09.2022.



Crl.O.P.No.27308 of 2022

For Petitioner : Mr.V.Venkatesan

For Respondents : Mr.S.Santhosh for R1 & R2
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed, seeking a direction to the respondents 1 & 2 to give police protection to the petitioner based on the complaint dated 19.09.2022 and CSR No.662/2022, dated 20.09.2022.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the respondents 1 & 2.

3.The learned counsel for the petitioner submitted that he has given a complaint on 19.09.2022 by alleging that one Anand and Prem along with 10 others came to his restaurant and sent away his staffs from the restaurant and claimed that they have been given with tenancy right by the landlord in respect of the said premises; the petitioner gave a police complaint; the said group got agitated due to that and once again came and damaged the petitioner's articles in the restaurant on 20.09.2022. Hence, he should be given the police protection.



WEB COPY

4. The learned Government Advocate (crl.side) appearing for the respondents submitted that on the complaint given by the petitioner, CSR No.662 of 2022 has been assigned and on the endorsement made by the petitioner, the said complaint was withdrawn.

5. However, the learned counsel for the petitioner submitted that no such withdrawal has been made and he is being harassed by the said persons continuously.

6. The letter given by the petitioner on 21.09.2022 for withdrawal has been produced by the respondent police. Having withdrawn the complaint, now the petitioner has once again filed this petition seeking for police protection. If the petitioner has grievance that the 2nd respondent is forcing to withdraw the complaint, it is upto him to make an appropriate representation before the 1st respondent or file a complaint under Section 156(3) Cr.P.C. If the petitioner and the opposite party claim tenancy right in respect of the same premises, the petitioner is at liberty to file a civil suit to prove his possession over the property and get



Crl.O.P.No.27308 of 2022

appropriate orders from the civil court and thereafter seek protection from the second respondent.

7. With the above observation, this Criminal Original Petition is closed.

08.11.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

uma

To

1. The Assistant Commissione of Police
J-8, Neelangarai Range
Greater Chennai
Chennai.
2. The Inspector of Police,
J-8, Neelangarai Police Station
Chennai.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.27308 of 2022

R.N.MANJULA,J.

uma

Crl.O.P.No.27308 of 2022

08.11.2022