



WEB COPY



Crl.O.P.No.31046 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31046 of 2022

Pathalamuthu

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Madhuravoyal,
Chennai - 600 095.

2. The Assistant Commissioner of Police,
Valasaravakkam,
Chennai - 600 087.

3. The Inspector of Police,
R-9 Police Station, Valasaravakkam,
Chennai - 600087.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to direct the third respondent to provide police protection to the
petitioner by taking appropriate action on the petitioner's complaint dated
28.11.2022.



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For Petitioner : N.Suriyamuthu
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed seeking to direct the third respondent to provide police protection to the petitioner on the petitioner's complaint dated 28.11.2022.

2. Learned counsel for the petitioner submitted that he is a tenant in respect of the property in O.S.No.347 of 2022 and one V.Sekar is the land lord. There was a rental agreement executed between the petitioner and the land lord on 21.07.2020 for a period of 11 months. The petitioner still continues to be in possession and enjoyment of the property as tenant. Meanwhile, the owner of the property is trying to forcibly evict the petitioner from the said premises. In this regard, the petitioner sent a representation to the second respondent on 05.12.2022 seeking police protection. However, the respondent Police has not taken any action, therefore, the present petition has been filed.



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3. Mr.Ganesh Pandiyan, learned counsel representing the owner of the property seeks time to get himself impleaded in this case. He further submitted that the petitioner has not paid rent for two years.

4. Learned Government Advocate (Crl.Side) submitted that based on the complaint given by the petitioner, the enquiry was conducted in C.S.R.No.597 of 2022. After enquiry, it was closed for the reason that the dispute is civil in nature.

5. Considered rival submissions. The scope of the petitioner is very limited in this case. The petitioner seeks police protection against the unlawful eviction. Already a civil suit is pending in O.S.No.347 of 2022 not to evict the petitioner from the said property except under due process of law. Therefore, the owner can resort to any illegal modes to evict the petitioner. If there is delay in payment of rent, the owner of the property shall seek remedy before the appropriate Court.



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6. It is made clear that the owner cannot use force either personally or through other modes to get the petitioner evicted from the premises. In the event of such an attempt is made by the owner of the property, the respondent Police is required to give necessary police protection to the petitioner.

7. With the above observations and direction, this Criminal Original Petition stands disposed of.

15.12.2022

Internet : Yes / No
Index : Yes / No
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- To
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 2. The Assistant Commissioner of Police,
Valasaravakkam,
Chennai - 600 087.
 3. The Inspector of Police,
R-9 Police Station, Valasaravakkam,
Chennai - 600087.
 4. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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