



Crl.O.P.No.4078 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4078 of 2023

1.H.Kanthabhatted

2.H.Sandeep Bhatted

... Petitioners

Vs.

1.The Commissioner of Police
Tambaram Limit, Chennai.

2.The Deputy Commissioner of Police,
Tambaram Division, Chennai.

3.The Assistant Commissioner of Police,
Manimangalam Limit, Sriperumbudur,
Kanchipuram District.

4.The Inspector of Police,
Somamangalam Police Station,
Sriperumbududr,
Kanchipuram District.

5.G.Damodharan

6.G.Mohan

7.G.Ravi

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first Respondent Police to give Police Protection to execute the interim injunction in I.A.No.172 of 2013 was ordered dated 20.01.2017 in O.S.No.43 of 2013 which is pending on the file of Subordinate Judge, Kachipuram District to the said respondents who were trespassing in the suit property.

For Petitioners : Mr.R.Ganesh

For Respondents : Mr.S.Santhosh (For R1 to R4)
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to give Police Protection to execute the interim injunction in I.A.No.172 of 2013 was ordered dated 20.01.2017 in O.S.No.43 of 2013 which is pending on the file of Subordinate Judge, Kachipuram District to the said respondents who were trespassing in the suit property.

2.The learned counsel for the petitioners submitted that petitioners obtained an order of temporary injunction in I.A.No.172 of 2013 in O.S.No.43 of 2013 on 20.01.2017. Even after getting positive order, the respondents 5 to 9 are disturbing petitioner's possession. Therefore, this



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3.The learned Government Advocate (Criminal side) opposed this petition on the ground that civil suit is pending.

4.Considered rival submissions and perused the records.

5.This Court is of the view that when petitioners obtained a temporary injunction in I.A.No.172 of 2013 in O.S.No.43 of 2013, if there is any violation of the temporary injunction granted in favour of the petitioner, the only remedy available to the petitioners is to approach the same Court for appropriate remedy. The remedy sought for in this petition seeking Police protection cannot be given.

6.Accordingly, this Criminal Original Petition is dismissed.

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Internet: Yes
Index: Yes/No
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To:

- 1.The Commissioner of Police
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- 2.The Deputy Commissioner of Police,
Tambaram Division, Chennai.
- 3.The Assistant Commissioner of Police,
Manimangalam Limit, Sriperumbudur,
Kanchipuram District.
- 4.The Inspector of Police,
Somamangalam Police Station,
Sriperumbududr,
Kanchipuram District.
- 5.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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