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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/04/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.5619 of 2023

S.Balakrishnan : Petitioner

Vs.

- 1.The Inspector General of Police,
South Zone,
77, 4th Street Reserve Line,
Race Course Colony,
Madurai-2.
- 2.The Superintendent of Police,
O/o.District Collectorate Office,
Sulakarai,
Virudhunagar District.
- 3.The Inspector of Police,
Town Police Station,
Virudhunagar,
Virudhunagar District.
- 4.The Inspector of Police,
Watrap Police Station,
Virudhunagar,
Virudhunagar District.
- 5.Mr.Govindasamy
(R5 suo motu impleaded as per
the order of this court,
dated 27/03/2023) : Respondents



Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the respondents 1 to 4 to provide adequate police protection to the petitioner and his family' life and limb by considering the representation dated 10/03/2023 and pass any further order or orders.

For Petitioner : Mr.Niranjana S.Kumar
For R1 to R4 : Mr.B.Nambiselvan
Additional Public Prosecutor
For 5th respondent : Mr.R.Gandhi
Senior Counsel
for M/s.Gandhi Associates

ORDER

This criminal original petition is filed seeking for direction to the respondents 1 to 4 to provide adequate police protection to the petitioner and his family' life and limb, by considering the representation, dated 10/03/2023.

2.The facts in brief:-

The petitioner and his relatives jointly purchased properties situated in Maharajapuram Village, Watrap, Virudhunagar District, measuring about 7.50 acres from



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Mariappa Chettiar family. After that, they came into possession and the revenue records were also mutated in their names. One Govindasamy Naidu purchased 2.24 acres from one Karupayee, who is the wife of the above said Mariappa Chettiar, on 14/12/2001. The above said property was purchased for the purpose of establishing a paper mill. But the above said Govindasamy Naidu did not want to pursue the business proposal. So the petitioner's son purchased the above said extent from Govindasamy Naidu. That land was developed by his son and about 100 coconut trees were planted. Later, because of rise in price of the lands, the above said Govindasamy Naidu wanted the property back. The petitioner's son also died, on 08/11/2021 leaving his wife, daughter, mother and father.

3. On 04/02/2023 at about 09.00 am, the above said Govindasamy Naidu called one Paulraj and threatened him to sell the property, otherwise the other son of the petitioner will be killed, the above said threat continued. A suit in O.S No.100 of 2023 was filed by the above said Govindasamy Naidu and his wife before the Principal Sub Judge, Srivilliputhur, for declaration that the sale deed is null and void and now it is pending. Now



the petitioner also appeared before the concerned court through Advocate. In the meantime, the above said Govindasamy Naidu sent henchmen to the coconut thope, threatened the watchman, damaged the banana trees and coconut trees. They also removed the name plate of the petitioner from the compound wall. So a case was registered in CSR No.163 of 2023. Now it is pending. The above said Govindasay Naidu's brother, one Radhakrishnan is a retired Additional Director General of Police and he was a honest man. But the above said Govindasamy Naidu is misusing the Radhakrishnan's name to achieve the illegal object. So on that ground, he sent a representation seeking police protection, on 10/03/2023 and that was not considered. Hence, this petition.

4. Heard both sides.

5. A representation was sent on 10/03/2023. On 15/03/2023, this petition came to be filed stating that the above said representation was not considered in time. The private respondent was also impleaded as 5th respondent, who is stated to have caused damage and made trouble to the petitioner in managing the property, etc. and he was also represented by Advocate.



6.The learned counsel appearing for the petitioner would mainly concentrate upon the alleged occurrence that took place on a particular day, on which the 5th respondent through his henchmen alleged to have trespassed into the coconut thope and caused extensive damage to the banana and coconut trees. They have also alleged to have stolen away the coconuts, for which, a case was registered in CSR No.161 of 2022.

7.The learned Additional Public Prosecutor would submit that some exaggerated complaint has been given by the petitioner about the extent and the above said complaint was enquired and both parties appeared and in the enquiry, the 5th respondent and others gave undertaking stating that they will not make any trouble to the petitioner till the disposal of the civil dispute between the parties pending before the trial court. The petitioner also agreed not to pursue the matter further, in view of the above said undertaking given by the 5th respondent. It was closed, on 10/03/2023. The present representation was sent by the petitioner on the same day itself namely 10/03/2023.



8. Whether the above said representation was sent before the enquiry or after conclusion of the enquiry is not clear on record.

9. The learned Additional Public Prosecutor would submit that there was no damage to the coconut thope and some exaggerated version has been given by the petitioner.

10. Now whatever it may be, it is seen that a suit in O.S No.100 of 2023 is pending between the parties over the above said subject issue.

11. Now the learned counsel appearing for the petitioner would submit that since the 5th respondent also appeared and gave an undertaking that they will work out their remedy in the pending suit, recording the above said undertaking, this petition may be disposed, of course, by observation that the 5th respondent and others committed the illegal act, trespassed into the coconut thope and caused extensive damage.



12. But the learned Senior counsel appearing for the 5th respondent would submit that absolutely, there is no such occurrence and they are not misusing the name of Radhakrishnan, the own brother of the 5th respondent, who was the Additional Director General of Police. As undertaken by him before the enquiry officer, they will wait till the conclusion of the suit in O.S No.100 of 2023.

13. But the learned counsel appearing for the petitioner would submit that the photographs, which have been taken in CCTV footage attached to Bharat Petrol Bunk managed by one Sugumar would show that some of the henchmen went to the Bharat Petrol Bunk outlet conducted by the above said Sugumar and caused criminal intimidation. The CCTV footage shows some sort of talk between a group of people. But absolutely, I find that there is no life threat to the petitioner and his family members. There is some sort of issue exists between the parties. But that would not extend to causing life threat to the petitioner and his business establishment as well as the coconut thope.



14. In view of the undertaking given by the 5th respondent, I find that no further direction is required.

15. Recording the submission made by the learned Additional Public Prosecutor and the closure report as well as the undertaking given by the 5th respondent, this criminal original petition is **disposed of**.

19/04/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Judicial Magistrate No.1,
Tirunelveli.
- 2.The Inspector of Police,
Land Grabbing Special Cell,
Thirunelveli,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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