

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.20952 of 2015

K.Sundararaj

...Petitioner

Vs

1. State represented by
The Superintendent of Police,
O/o.The Superintendent of Police,
Tirupur District.
2. The Inspector of Police,
Vellakoil Police Station,
Tirupur District.
3. R.Subramani
(R3 impleaded as per order of this Court dated
03.09.2015 made in M.P.No.1 of 2015
in Crl.O.P.No.20952 of 2015) ... Respondents

This Criminal Original Petition filed under Section 482 Cr.P.C. seeking direction to the second respondent herein to give adequate police protection to save the petitioner's life as well as the petitioner's family members life from the illegal assault of the above said R.Subramaniam, his associates and his henchmen.

For Petitioner : Mr.N.R.Elango, Sr.Counsel
for Mr.N.Damodaran

For Respondents
1 and 2 : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to the second respondent herein to give adequate police protection to save the petitioner's life as well as the petitioner's family members life from the illegal assault of the above said R.Subramaniam, his associates and his henchmen.

2. The case of the petitioner is that on 18.07.2006, there was a money transaction between the petitioner and the said Subramaniam. In the course of the money transaction, there

was some dispute them. Because of that, the said Subramaniam along with other persons intercepted the petitioner and tried to assault the petitioner with iron rod. On hearing the alarm of the petitioner, as the public gathered, the above said Subramaniam and his hooligans ran away from the place. Immediately, the petitioner lodged a complaint with the second respondent. But the second respondent refused to give receipt for the same. Thereafter, on 27.05.2015, the petitioner approached the first respondent and handed over a copy of the complaint addressed to the second respondent and obtained the receipt for the same. Since the second respondent failed to take action in connection with the complaints of the petitioner dated 27.05.2015, on 07.06.2015, when the petitioner was returning from the second respondent's police station after complying with the anticipatory bail condition imposed by the learned Principal District Sessions Judge, Tirupur in CrI.M.P.No.492 of 2015 dated 30.04.2015, once again the said Subramaniam came with hooligans and tried to assault the petitioner. However, the petitioner managed to escape from their attack. Immediately, the petitioner sent a complaint to the second respondent through on line on 07.06.2015. Since the second respondent has not taken any legal action against the said Subramaniam, on 08.07.2015 at about 9.00 hours, he made an attempt to kidnap the son of the petitioner, namely Ravi Sivaraman, when he was going to his college. However, the son of the petitioner managed to escape from that attempt. In that connection, the wife of the petitioner gave complaint to various officials. The said Subramaniam used to collect undue money illegally by way of all kind of threats from the persons obtaining loans from him. He has also used to collect undue interest like meter interest and Kanthu interest from the persons obtaining loans from him which are totally against the law. Since there is continuous threat by the said Subramaniam to the petitioner and his family members, the petitioner has come forward with the present petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the first and second respondents.

4. When the matter was taken for consideration, the learned Additional Public Prosecutor produced a copy of the letters written by one Senthil Kumar, Kuzhanthaisamy, Neminathan, Ramani before second respondent stating that no such occurrence had taken place as alleged by the petitioner. But the learned counsel for the petitioner denies the same stating that the said Subramaniam is continuously threatening the petitioner and his family members and hence sought for police protection.

5. Considering the factual aspects of the case, this court is constrained to pass the following order :

The petitioner is directed to give a fresh representation along with a copy of this order to the ***Second** respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the such representation, the ***Second** respondent is directed to consider the same purely on merits and in accordance with law, by providing personal hearing to the petitioner as well to other necessary parties and pass appropriate orders with regard to police protection within a period of two weeks from the date of receipt of a copy of this order.

6. The Criminal Original Petition is disposed of accordingly.

sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub-Assistant Registrar

vrc

***Amended as per the order of this Court dated 19/01/2016 and made herein.**

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Tirupur District.
2. The Inspector of Police,
Vellakoil Police Station,
Tirupur District.
3. The Public Prosecutor,
High Court, Madras.

WEB COPY

CrI.O.P.No. 20952 of 2015

CO-MG
JD 22/01/2016