

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.Nos.26076 and 26077 of 2015

S.Ve.Shekher

...Petitioner in both the petitions

Vs

1. The Commissioner of Police,
Vepery, Chennai.
2. The Joint Commissioner of Police,
South Chennai Circle,
Chennai.
3. The Inspector of Police,
E.5 Foreshore Estate Police Station,
Pattinappakkam,
Chennai-28.

...Respondents in both the petitions

Criminal Original Petition No.26076 of 2015 has been filed under Section 482 Cr.P.C. to direct the first respondent herein to register a case based on the complaint of this petitioner herein sent through e-mail on 15.9.2015.

Criminal Original Petition No.26077 of 2015 has been filed under Section 482 Cr.P.C. to direct the first respondent herein to provide this petitioner with sufficient safety and security, in particular by providing armed security personal police.

For Petitioner : Mr.S.Sathya Narayanan,
in both the petitions.

For respondents : Mr.S.Shanmugha Velayutham,
Public Prosecutor.

COMMON ORDER

The present criminal original petitions have been filed seeking a direction to the first respondent to register a case based on the complaint of the petitioner sent through e-mail on 15.9.2015 and to provide sufficient safety and security, in particular by providing armed security personal police to the petitioner.

2. In both the petitions, it has been stated that the petitioner is a diploma holder in Mechanical Engineering, Air Conditioning and Refrigeration. He is also a Sound Recordist, Programme Producer, Still Photographer, Videographer, Editor and Director, Play Writer, Producer, Television-Film and Theatre Artist playing lead roles. He was the editor for the Tamil Magazine "Naradhar". He is holding a responsible position in the Central Board of Film Certification. On his official capacity as the Board member of Central Board of Film Certification, he had an opportunity to review one such film named 'Poorkalathil Oru Poo' a film directed by one K.Ganesan. The said film was not permitted for public screening and denied certification by all the three stages of Censor done under Indian Cinematography Act. But, to his shock and surprise, the denial of certification made the producer of the said film annoyed, on mis-construction of things as if it is against a particular group of people, in which there is no iota of any truth in it. As only the member to the Central Board of Film Certification from Tamil Nadu, with a bona fide intention and under a good faith, the petitioner expressed his views with great discipline and decorum. But, the director of the said film viz., K.Ganesan has chosen to abuse the petitioner with mala fide intention of making him as a scapegoat for no reason. In such a situation, the petitioner is receiving threatening phone calls and social media / e-mail messages from different parts of the world being sensitive matter, which has gone to the level of death tribute posters of the petitioner commenting birth of his children. As one among the person holding responsible position in the Central Board of Film Certification, he has done his duty

unbiased, with bona fide intention in the interest of our nation to uphold the majesty of law. Hence, the petitioner was forced to bring the same to the attention of the first respondent by way of a complaint through e-mail dated 15.9.2015 and subsequently, by way of reminders. But, no effective steps were taken by the first respondent. The petitioner was originally provided with Armed Security in the year 2001-2002 due to threats from terrorists on intelligence report. But, subsequently, it has been withdrawn even without any proper intimation. Last year also, in the month of June 2014, there was a threatening phone call from a particular phone number, threatening murder of the petitioner for which on his complaint C.S.R.No.180/E5/PS/2014 has been issued by the third respondent. By the continuous threat to his life and liberty, the petitioner has been put on fear and hardship. Since no action has been taken on the complaint given by the petitioner dated 15.9.2015, he has filed the petition in Crl.O.P.No.26076 of 2015 and to provide sufficient safety and security, in particular by providing armed security personal police to the petitioner, he has filed the petition in Crl.O.P.No.26077 of 2015.

3. When the matter was taken up for consideration, learned Public Prosecutor submitted that if the petitioner gives a complaint to the Crime Branch, necessary action would be taken. However, he has opposed to provide police protection to the petitioner.

4. In view of the submission made by the learned counsel on either side, this Court directs the petitioner to give a fresh complaint along with a copy of this order to the concerned Crime Branch within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the concerned Crime Branch is directed to conduct enquiry on the said complaint, and upon enquiry, if materials are gathered indicating commission of any cognizable offence, then they are directed to proceed further in accordance with law, as early as possible.

5. So far as providing of police protection is concerned, the petitioner is directed to give a representation to the first respondent viz., Commissioner of Police, Vepery, Chennai along with a copy of this order within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the same by affording an opportunity of personal

hearing to the petitioner and pass appropriate orders / take necessary action on merits and in accordance with law. Both the criminal original petitions are ordered accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Commissioner of Police,
Vepery, Chennai.
2. The Joint Commissioner of Police,
South Chennai Circle,
Chennai.
3. The Inspector of Police,
E.5 Foreshore Estate Police Station,
Pattinappakkam, Chennai-28.
4. The Public Prosecutor,
High Court, Madras.

2 CCs to Mr.S.Sathya Narayanan, Advocate SR.No. 63097 & 63098

1 CC to the Government Pleader, SR.No. 62733

Cr1.O.P.Nos.26076 and 26077 of 2015

CA (CO)
PSI (24.11.2015)

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