

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.27894 of 2015

R.Radhakrishnan

... Petitioner

..Vs..

1. The Commissioner of Police,
Greater Chennai,
No.132, EVK Sampath Road,
Vepery, Chennai 600 007.
 2. The Inspector of Police,
K-9, Thiru-vi-ka Nagar Police Station,
Chennai 600 082.
 3. Dr.Lakshmanan Saravanan
 4. Dr.S.Mahalakshmi
- Respondents

(R3 and R4 impleaded as per the order of this Court dated 10.12.2015 made in M.P.No.1 of 2015 in Crl.O.P.No.27894 of 2015 by RPSJ)

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to provide adequate police protection to the petitioner's life and his family members and his property situated in Block No.8, T.S.No.46, Old Door No.206, New No.284, Peravalur Village, Paper Mills Road, Chennai 600 011.

For Petitioner : Mr.M.V.Muralidharan
For R1 & R2 : Mr.C.Emalias,
Addl. Public Prosecutor
For R3 & R4 : Mr.D.Manimaran

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the respondent police to provide adequate police protection to the petitioner's life and his family members and his property situated in Block No.8, T.S.No.46, Old Door No.206, New No.284, Peravalur Village, Paper Mills Road, Chennai 600 011.

2. In the affidavit accompanying the petition, it has been stated that the petitioner is residing with his family at Old Door No.206, New No.284, Peravalur Village, Paper Mills Road, Chennai 600 011 and the said property was purchased by his grandfather. In the said property, two portions were let out for rent, for commercial and residential purpose. Out of the said rental portion, one portion was occupied by one Ravendra Welding Shop. Before six months, he vacated the said shop and handed over possession of the same to the petitioner and thereafter, the said premises was under the control and custody of the petitioner. While so, on 04.11.2015, all of a sudden, about 7.20 p.m., one Dr. Lakshmi Saravanan and his wife Mrs.Mahalakshmi Saravanan along with their henchmen came to his premises and attempted to break open the lock of the said shop. When the petitioner and his family members questioned the illegality committed by the said persons, they threatened the petitioner with dire consequences. In this regard, the petitioner lodged a complaint with the respondent police on 04.11.2015 and 05.11.2015, specifically requesting them to provide police protection to their life and property. The petitioner has further stated that a Civil Suit in C.S.No.1 of 2014 between him and the said Dr.Lakshmi Saravanan is pending before this Court. According to him, they are highly influential persons and he and his family are facing constant threat from them. Since no action is taken on his complaint, the petitioner has come up with the present Criminal Original Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that there is a property dispute between the petitioner and one Dr.Lakshmi Saravanan and a Civil Suit is pending before this Court. It is the further contention of the Additional Public Prosecutor that when a Civil Suit is pending between the parties, the petitioner cannot seek police protection during the pendency of a Civil Suit before this Court.

5. Learned counsel for the petitioner submitted that the petitioner and his family members are facing constant threat from the counter petitioner and hence pleaded for police protection to the petitioner's family and property.

6. In reply, learned Additional Public Prosecutor submitted that the petitioner has got only 1/3rd share in the aforesaid property and that the counter petitioner has got 2/3rd share in the property and if police protection is given, it would amount to interfering in the civil dispute.

7. Taking note of the above submissions of the learned counsel on either side, this Court feels it appropriate to direct the petitioner to send a fresh representation to the respondent police along with a copy of this order and upon receipt of the same, if the respondent police comes to the conclusion that there is a life threat to the petitioner and his family members, he is directed to pass an order with regard to providing of police protection to the petitioner on the said representation. In case, the respondent police comes to the conclusion that the matter is civil in nature between the parties and there is no life threat to the petitioner, he is directed to dispose of the said representation by passing an appropriate order on the said representation.

The Criminal Original Petition is disposed of accordingly.

aeb

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To :

1. The Commissioner of Police,
Greater Chennai,
No.132, EVK Sampath Road,
Vepery, Chennai 600 007.
2. The Inspector of Police,
K-9, Thiru-vi-ka Nagar Police Station,
Chennai 600 082.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.V.Muralidaran, Advocate SR 68569

+ 1 cc to Mr.D.Manimaran, Advocate SR 68356

vd(co)
prk8/1

Cr1.O.P.No.27894 of 2015