

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26959 of 2015

CRT Granite park,
Velampatti, Kaveripattinam Taluk,
Krishnagiri District,
by its General Manager,
K.P.Shanmugam

... Petitioner

Vs

1. The Inspector of Police,
Nagarasampatti,
Krishnagiri District.

2. R.Anbu

3. R.Dhayalan

4. G.Lokadri Naidu

5. Rajitha Lokadri

(The respondents 2 to 5 are impleaded
as per the order of this Court, dated:
21.12.2015 made in M.P.No.1 of 2015)

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to provide necessary police protection to the petitioner for taking back petitioner's machineries and other infrastructure lying at the quarry land in Survey No.281/2 measuring 5 hectares in Chittoor District, Andhra Pradesh by registering FIR on the petitioner's complaint dated 19.09.2015, following the dicta laid down by the Hon'ble Supreme Court in Lalitha Kumari -vs- Govt. of U.P. And others (2013(6) CTU 353).

For Petitioner : Mr.R.Shanmugam,
for M/s. Shanmugha Associates

For Respondents : Mr.C.Emalias
Additional Public Prosecutor,
For-R1

Mr. H.Elango, for R2, R3.

O R D E R

The present criminal original petition has been filed to direct the respondent police to provide necessary police protection to the petitioner for taking back petitioner's machineries and other infrastructure lying at the quarry land in Survey No.281/2 measuring 5 hectares in Chittoor District, Andhra Pradesh by registering FIR on the petitioner's complaint dated 19.09.2015.

2. The petitioner is the lawful lessee of the quarry land in respect of S.No.281/2 measuring 5 hectares as per G.O.Ms.No.42121/R5-1/2011 dated 12.04.2012 issued by the Department of Mines of Geology, Chittoor, Andhra Pradesh for a period of 20 years from 06.06.2012, for the purpose of cutting granite blocks from the said quarry land. The petitioner had hired machineries worth about Rs.1.10 crores, to Anbu, R.Dhayalan, g.Lakadri Naidu, Rajitha Lokadri, on the monthly hire amount of Rs.5,00,000/- But, from the very first month onwards, monthly rent was not paid by the said persons. When the petitioner decided to take back the said machineries from the quarry land, the said persons threatened the petitioner stating that if any attempt was made to demand the arrears of hire charges or to remove the machineries, they would pour petrol on the machineries and set fire on them. Hence, the petitioner lodged a complaint to the respondent police on 19.09.2015. But, till date, no action was taken on the said complaint. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that offence said to have been committed at Chittoor,

Andhrapradesh. Thus, he opposed for giving direction. The learned counsel for the petitioner denies the same.

5. Without going to the merits of the claim of the petitioner, this court directs the petitioner to give a fresh complaint along with a copy of this order to the respondent within a period of one week from the date of receipt of a copy of this order. On receipt of such complaint, the respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. During the course of investigation, if the respondent comes to a conclusion that he does not have jurisdiction to entertain the complaint of the petitioner, he is directed to pass an appropriate order on the complaint given by the petitioner.

6. This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Inspector of Police,
Nagarasampatti,
Krishnagiri District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s. Shanmugha Associates, Advocate, S.R.No.1290

UG(CO)
CA(19/01/2016)

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