

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30480 of 2015

M/s.Ramvel Computers & Electronics
A Partnership firm represented by its
Partner P.Ranganathan,
No.14/428 (Old No.432,433)
100 feet road, Gandhipuram,
Coimbatore.

... Petitioner

Vs.

1.The Commissioner of Police,
Coimbatore City,
Coimbatore.

2.The State rep.by
The Inspector of Police,
B-15,Rathinapuri Police Station,
Coimbatore

.... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the 2nd respondent to give Police
Protection to the petitioner while restoring the flex board and
metal sheet in the shop of the petitioner at D.No.14/428 (Old
No.432,433) 100 feet road, Gandhipuram, Coimbatore.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

The present criminal original petition has been filed
seeking a direction to the 2nd respondent to give Police
Protection to the petitioner while restoring the flex board and
metal sheet in the shop of the petitioner at D.No.14/428 (Old
No.432,433) 100 feet Road, Gandhipuram, Coimbatore.

2. The petitioner is a partnership firm, carrying on a business under the name and style of "Ramvel Computers and Electronics" since 1992 at No.14/428, (Old No.432, 433), 100 feet Road, Gandhipuram, Coimbatore, on a monthly rent of Rs.50,000/- and the lease agreement was also renewed periodically. The owner of the property is one Mr.Raju Gounder. The petitioner had put up interiors within the building by spending more than Rs.35 lakhs including flooring and furnishing for the business. On 07.05.2013, one Mr.Koushik Kumar issued legal notice stating that Mr.Raju Gounder, his grand father executed a sale deed in his favour in respect of the said property and asked the petitioner to vacate the shop within 7 days. The petitioner sent reply to the said notice dated 10.05.2013. Even thereafter the said Mr.Raju Gounder and Mr.Koushik Kumar had caused several hindrances to the petitioner and his business and they also disconnected the power and water supply to the shop and attempted to demolish the shop. Hence, the petitioner filed a suit in O.S.No.1719/2013 before the District Munsif Court and the same is pending. Rent Control proceedings in R.C.O.P.No.209/2013 was also filed for restoration of water and electricity connection. During October 2013, the said Mr.Raju Gounder and Mr.Koushik Kumar indulged in removing the name board of the shop. Hence, another complaint was lodged on 19.09.2013 and a suit in O.S.No.1893/2014 was also filed by the petitioner before the District Munsif Court, Coimbatore. In the said suit, interim order was granted restraining the said Raju Gounder and Koushik Kumar from removing the name board. Subsequently, when the petitioner tried to restore the flex board and metal sheet, the said Raju Gounder and Koushik Kumar along with his men prevented the petitioner from restoring the flex board and the metal sheet. Hence, the petitioner has come forward with the present petition with a direction to the 2nd respondent police to give police protection to the petitioner while restoring the flex board and the metal sheet.

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

4. Learned Additional public Prosecutor submitted that since the civil suits are pending, after completion of investigation, the complaint lodged by the petitioner was closed.

5. Learned counsel for the petitioner replied that as on date, there is an interim order in his favour and the said Raju Gounder and Koushik Kumar are preventing the petitioner from fixing the flex board and the metal sheet in the shop. Hence, a direction may be given to the respondent police to give

police protection at the time of restoration of flex board and metal sheet in the shop of the petitioner.

6. Irrespective of the submissions made on either side and considering the factual aspects of the case, this Court directs the petitioner to give a fresh representation to the 2nd respondent police with regard to providing police protection for restoring the flex board and metal sheet in the shop at D.No.14/428 (Old No.432,433) 100 feet Road, Gandhipuram, Coimbatore. On receipt of such representation, the 2nd respondent police is directed to consider the the same by affording personal hearing to the petitioner as well as the necessary parties and pass appropriate orders with regard to providing police protection. It is made clear that this Court is not expressing any opinion with regard to the claim of the petitioner and it is for the respondents to decide the same purely on merits.

7. The criminal original petition is disposed of accordingly.
vsi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Commissioner of Police,
Coimbatore City, Coimbatore.
- 2.The Inspector of Police,
B-15,Rathinapuri Police Station,
Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.A.Thiyagarajan, Advocate Sr 109

NM/CO
KR/18/1/16

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