

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.20028 of 2016

Julien Anselme Marie Antoine Lebrunie

... Petitioner

-Vs-

1. The Director General of Police (DGP),
Office of the Director General of Police,
No.4, Dumas Street, Puducherry.
2. The Inspector General of Police (IGP),
Office of the Inspector General of Police,
Beach Road, Puducherry.
3. The Senior Superintendent of Police (HQ),
No.2, Dumas Street, Puducherry.
4. The Superintendent of Police,
CBCID Police Station,
Iyyanar Nagar, Puducherry.
5. The Superintendent of Police (East),
Office of the Superintendent of Police (East),
J.N.Street, Puducherry.
6. The Inspector of Police,
Grand Bazaar Police Station,
Puducherry.
7. The Station House Officer,
Grand Bazaar Police Station,
Puducherry.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent Nos.5 to 7 to give sufficient police protection to the petitioner and his property till the petitioner putting up construction of fence around his property based on the complaint dated 20-08-2016.

For Petitioner : Mr.Prakash Adiapadam

For Respondents : Mr.Thangavel
Additional Public Prosecutor
(Pondy)

O R D E R

This Criminal Original Petition has been filed to direct the respondents 5 to 7 to give sufficient police protection to the petitioner and his property based on the complaint dated 20.08.2016 given by the petitioner, with regard to fencing his property.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Pondicherry) for the respondents.

3. It is the case of the petitioner that the property in question belongs to him and the accused in this case is one Koulanthini and others, who had created fabricated documents for the property, and were dealing with it. The District Registrar, Registration Department, Puducherry by order dated 05.10.2015 in DRP No.4 of 2015 has given a clear cut finding that the document Nos.3435/200 and 2165/2003 have been fabricated and he has annulled the two documents. Thereafter, when the petitioner wanted to fence his property, it is alleged by the petitioner that the said Koulanthini and others had prevented him and also attacked his mason.

4. In this regard, the petitioner had lodged a complaint dated 20.08.2015 to the Superior Police Officers and the complaint was referred to the Inspector of Police, Grand Bazaar Police Station, Puducherry, who has conducted a detailed enquiry and has come to the conclusion that the allegation made by the petitioner that the mason was attacked, was not true. The copy of the report has not been furnished to the petitioner, despite the clear mandates of the Supreme Court in Lalita Kumari vs.Govt.of U.P. & others[2013(4)Crimes 243(SC)].

5. However, the petitioner would be entitled to police protection for peaceful fencing of his land. Under such circumstances, the petitioner is directed to go in person and give a fresh representation to the Inspector of Police, Grand Bazaar Police Station, Puducherry and on such representation being given, the same shall be enquired into and necessary police protection being given to the petitioner for fencing his land. A copy of the closure report should also be furnished to the petitioner.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

To

1. The Director General of Police (DGP),
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Puducherry.
7. The Station House Officer,
Grand Bazaar Police Station,
Puducherry.
8. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Prakash Adiapadam, Advocate, S.R.No.52954
+1cc to the Government Pleader(Pondy), S.R.No.53285

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CTR(CO)
CA(30/09/2016)

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