

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.20336 and 20297 of 2016

P.Anbalagan

... Petitioner
in both Crl.O.Ps.

Vs.

1.The District Collector,
Erode District Office,
Erode.

2.The Superintendent of Police,
Erode District Police Office,
Erode (D.T.)

3.The Revenue District Officer,
RDO Office,
Erode District.

4.The Tashildar
Kodumudi Taluk Office,
Erode.

5.The Inspector of Police,
Kodumudi Police Station,
Erode.

... Respondents
in both Crl.O.Ps.

Prayer in Crl.O.P.No.20336 of 2016: This Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the Respondents to provide police protection for the life of the petitioner and his family based on the petitioner's representation dated 30.08.2016.

Prayer in Crl.O.P.No.20297 of 2016: This Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the respondents not to harass the petitioner and his family, neighbours and his servants based on the petitioner representation dated 30.08.2016.

For Petitioner
in both CrI.O.Ps : M/s.Ahemed Physi

For Respondents : Mr.C.Emalias
in both CrI.O.Ps Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed to direct the Respondents to provide police protection for the life of the petitioner and his family and to direct the respondents not to harass the petitioner and his family, neighbours and his servants based on the petitioner's representation dated 30.08.2016 respectively.

2. Heard Mr.Ahemed Physi, learned counsel appearing for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor, appearing on behalf of the respondents.

3. The facts of the case make very interesting reading.

Anbalagan is the owner of Ashok Leyland lorry bearing registration No.TN 63 AX 9536 (hereinafter would be called "the lorry"). The lorry was driven by his Driver Jegan and it was found to be transporting some minerals and therefore the Deputy Director, Geology and Mines, Erode had intercepted the lorry on 12.08.2016 around 11.40 p.m and parked the lorry in the compound of Tahsildar Office for safe custody. One Mr.Jothi, was the watchman in the Tahsildar office, who took custody of the Lorry. Thereafter, it is alleged that Jegan, the driver came to the Tahsildar Office and took away the lorry despite the protest of Jothi, the watchman. Jothi brought it to the notice of the Tahsildar and together both of them started searching for the lorry. According to the Tahsildar, Anbalagan, the petitioner herein, promised to return the lorry but since he did not return the lorry, the police was informed and an FIR has been registered by the Inspector of Police, Kodumudi Police Station, Erode on the complaint of the Tahsildar in Crime No.270 of 2016 under section 379, 506(1) of IPC and the investigation is pending. While so, Anbalagan has filed these Criminal Original Petitions for seeking direction to the respondents not to harass.

4. Initially, Anbalagan has filed only the petition, upon direction of this court on 15.09.2016, he filed an affidavit dated 22.09.2016 wherein in Paragraph Nos.4 & 5 he has made the following allegations:

"4. I submit that on 12.08.2016 at around 10.30 p.m., I received information from my driver one named Jeganathan through his phone and he said that I am carried the kappi to Arampalayam via

Kodumudi in our lorry bearing number TN 63 AX 9536. While the lorry is crossing the Kodumudi the lorry was stopped by 4th Respondent, he demanded to bribe him a sum of Rs.20,000/- for carrying the kappi. But, I have no option left paid him Rs.5,000/- which was kept for diesel. The 4th Respondent threatened me to come and give the remaining bribe amount a sum of Rs.15,000/- and got his signature in some papers and also in some blank papers." Thereafter, My driver came back from Kodumudi without delivering the kappi to Arampalayam and informed the facts. But, I didn't take it serious because I'm not doing any illegal activity.

5. I submit that on 13.08.2016, at about 8.30 a.m., the 4th Respondent alongwith another unknown fellow came directly to my home demanded me to pay a sum of Rs.15,000/- as bribe to him and threatended that if I didn't pay him, he will sieze the lorry and he also blackmailed me showing the blank paper signed by my driver. While he was leaving my home he said that I should pay him the remaining bribe or I should hand over the lorry to them. But, I denied the same since I'm not doing anything against law."

5. Per Contra, the learned Additional Public Prosecutor produced sufficient materials to show that it was not the Tahsildar, who had intercepted the lorry as alleged by the petitioner, but it was intercepted by the Deputy Director, Mines and Geology on 12.08.2016 at 11.40 p.m itself. Thus the allegation of the petitioner in Paragraph Nos. 4 & 5 in the affidavit appears to be an after thought. Since, an FIR has been registered against the petitioner, the petition filed by the petitioner not to harass is not maintainable in view of the law laid down in Dorand and others vs. the Superintendent of Police, Nagercoil, Kanyakumari District and another in CrI.O.P. (MD) No.1727 of 2016 decided on 01.02.2016.

6. In view of the above, even this is not a fit case to grant police protection to the petitioner as prayed for in Criminal Original Petition No.20336 of 2016.

7. Recording the same, both the Criminal Original Petitions are dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The District collector Erode District Office,
Erode
- 2.The Superintendent of Police,
Erode District Police Officer,
Erode District
- 3.The Revenue District Officer, RDO office
Erode District
- 4.The Tahsildar, Kodumudi Taluk office
Erode
- 5.The Inspector of Police, Kodumudi Police Station,
Erode
- 6.The Public Prosecutor,
High Court, Madras.

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