

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.OP No.658 of 2016

K.Ravi
S/o. Kannan
Managing Trustee,
Rural Development Trust,
Reg.No.1635/1999
4/140, Vepankanari Village,
K.V.Kuppam Post,
Katpadi Taluk, Vellore District. ... Petitioner

Vs

The Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam,
Katpadi Taluk, Vellore District. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to issue direction directing the respondent the Inspector of Police, K.V Kuppam Police Station, Katpadi Taluk, Vellore District to register the FIR against the said persons based on the complaint dated 21.12.2015 and also to provide police protection to the trust premises situated at No.4/140, Vepankaneri Village, Katpadi Taluk, Vellore District.

For Petitioner :Mr.N.Sampath

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the FIR against the said persons based on the complaint dated 21.12.2015 and also to provide police protection to the trust premises situated at No.4/140, Vepankaneri Village, Katpadi Taluk, Vellore District.

2. A Rural Development Trust was formed in the year 1999 by one David Francis Whitevel and his wife Karoline Whitevel of England. The main motive of the Trust is to provide employment to the rural people of K.V.Kuppam and surrounding villages and also to

conduct the business through the society at international services and it was controlled and maintained by the said Trust. The said David Francis Whitevel and his wife Karoline Whitevel purchased land at Vepankaneri village and constructed the building in the year 2006 through the Trust and conducted the tailoring units in the said building after obtaining the proper license from the local authority. Due to some labour problems, in the year 2011, the business was jeopardized and all the readymade garments manufacturing units were stopped functioning. In the year 2013, the said David Francis Whitevel and his wife Karoline Whitevel, who were the original trustees of the rural development trust have decided to appoint the petitioner and his wife Nirmala as the present trustees of the above trust and they transferred all the rights and properties in the name of the petitioner and his wife from the year 2013. The petitioner and his wife were legally appointed Trustees of the Rural development Trust and the administration of the trust is managed by the petitioner and his wife. Since the year 2013, the petitioner and his wife were running the trust and the tailoring units in the main building and manufacturing the ready made garments by giving employment to the nearby rural people.

3. While so, some anti social elements who were enmical to the petitioner are trying to extract money from the petitioner and they were giving trouble and also interfering with the day to day administration of the trust and preventing the labourers who were coming to trust to work in the tailoring units. On 27.6.2015, one Sasivannamaran, Shanthi, Ponnurangam, Pandian, Selvam, Govindarajan, Palani, Pushpa, Rama Selvi, Packialakshmi, Gowri, Jaganathan, Bharathanayagi, Bharathi, Gajendran, Karthikeyan and Karthik were giving trouble and also preventing the labourers to enter the premises to attend the tailoring work to prepare the ready made garments of the Trust. Therefore, the petitioner lodged a complaint before the respondent on 21.12.2015. Though C.S.R.No.530 of 2015 has been assigned, no action has been taken on the said complaint. Again on 23.12.2015 one Govindarajan and Ponnurangam had entered the trust property without any permission and started to remove the plants inside the trust property and damaged the properties of the trust. Once again, the petitioner lodged a complaint before the respondent on 23.12.2015. The respondent conducted enquiry on the said complaint and warned the above said persons. Thereafter, the above said 17 persons came and created a Ruckus in front of the trust and on the intervention of the District Collector and the RDO, they left the place. Some of the local people who were enmical to the petitioner were instigating the above said persons to make problems in the trust and they were trying to grab the trust property by illegal means. Therefore, the petitioner gave a complaint to the respondent to provide police protection to the safety and security of the trust premises so as to enable the petitioner to run the trust and tailoring units peacefully. But no action has been taken by the respondent till date. Hence, the petitioner has come forward with the present criminal original petition.

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

5. In view of the submissions made on either side, this Court directs the respondent to conduct enquiry on the complaint given by the petitioner dated 21.12.2015 in C.S.R.No.530 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. If no prima facie case is made out, the respondent is directed to pass an appropriate order on the complaint of the petitioner. So far as, police protection is concerned, the petitioner is directed to give fresh representation to the respondent within a period of two weeks from the date of receipt of a copy of this order along with a copy of this order. On receipt of such representation, the respondent is directed to pass an appropriate order with regard to providing of police protection by offering personal hearing to the petitioner as well as other necessary parties.

6. This criminal original petition is disposed of accordingly.
Vrc

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To:

1.The Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam,
Katpadi Taluk,
Vellore District.

2.The Public Prosecutor,
High Court, Madras.

+1 C.C. to MR.N.SAMPATH Advocate SR.NO.2159

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BVR (CO)
VS 02.02.2016