

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.11559 of 2016

M/S.Ramvel Computers and 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.

3.Raju Gounder

4.Koushik kumar
(R3 & R4 were impleaded as per the
order of this Court dated 14.07.2016 in
CrI.M.P.No.6537 of 2016 in
CrI.O.P.No.11559 of 2016)

... Respondents

Prayer: This petition has been filed under Section 482 Cr.P.C.
for issuance of a direction to the second 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 Nos.432, 433) 100 feet road, Gandhipuram,
Coimbatore.

For Petitioner : Mr.A.Thiagarajan

For R1 and R2 : Mr.C.Emalias
Additional Public Prosecutor

For R4 : Mr.Richardson Wilson

ORDER

This petition has been filed seeking a direction to the second 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 Nos.432, 433) 100 feet road, Gandhipuram, Coimbatore.

2.It is the case of the petitioner that the petitioner is carrying on a business under the name and style of "Ramvel Computers and Electronics" at No.14/428, Old Nos.432, 433, 100 feet road, Gandhipuram, Coimbatore, which was taken possession for a monthly rent of Rs.50,000/- and the lease agreement was also renewed periodically. The owner of the property is one Raju Gounder, who was subsequently impleaded as the third respondent herein. According to the petitioner, they have made interior works by spending more than Rs.35 lakhs including flooring and other infrastructures for the business purpose. While so, on 07.05.2013, one Koushik kumar, who was subsequently, impleaded as the fourth respondent herein, sent a legal notice stating that the third respondent, who is his grand father, has executed a sale deed in his favour in respect of the said property and forced the petitioner to vacate the shop. Though the petitioner sent a reply notice, the respondents 3 and 4 had caused several hindrances to the petitioner to run his business.

3.It is the further case of the petitioner that during the month of October 2013, the respondents 3 and 4 indulged in removing the name board of the petitioner. Therefore, the petitioner had lodged a complaint to the 2nd respondent police. Simultaneously, they had filed a suit in O.S.No.1893 of 2014 before the District Munsif Court, Coimbatore, for bare injunction and obtained an order of interim injunction restraining the respondents 3 and 4 from removing the name board, which was subsequently, made absolute. While things stood so, the henchmen of the third respondent has removed the flex board and the metal sheet of the petitioner shop. When the petitioner tried to restore the same, the respondents 3 and 4 prevented to do so. Hence, the petitioner has filed a petition in Crl.O.P.No.30480 of 2015 to give police protection, while restoring the flex board and metal sheet of the petitioner shop. By order dated 04.01.2016, this Court directed the petitioner to give a fresh representation to the second respondent, who, upon receipt of the same, should consider the same by affording personal hearing to the petitioner as well as the necessary parties and pass appropriate orders with regard to police protection. Pursuant to the same, enquiry was conducted on 06.03.2016, however, no police protection was given to the petitioner, so as to enable them to restore the flex board and

metal sheet. Therefore, the petitioner has come forward with the present petition for the above stated relief.

4. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for respondents 1 and 2 and the learned counsel for the fourth respondent.

5. In this writ petition, the petitioner has sought for a direction to the second respondent to provide adequate police protection, in order to restore their flex board and the metal sheet in the original place, which were alleged to have been removed by the respondents 3 and 4. However, today, when the matter was taken up for consideration, learned counsel for the petitioner filed a memo dated 06.04.2017, stating that the petitioner has agreed to install the name board only in the ground floor area, that too, without causing any hindrance to the other tenants as well as to their respective name boards, for which, learned counsel for the fourth respondent has no serious objection. A memo has also been filed by the fourth respondent to that effect.

6. The said submissions made by the learned counsel for the petitioner and the fourth respondent and the respective memos dated 06.04.2017 filed by the petitioner and the fourth respondent are recorded.

7. In view of the subsequent development, the petitioner is permitted to install their name board in the ground floor of the building at No.14/428 (Old Nos.432, 433) 100 Feet Road, Gandhipuram, Coimbatore. It is made clear that the installation of the said board shall not cause any hindrance or disturbance to any of the tenants, who are in possession of other shops in the said building.

8. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kj/rk

To

1. The Commissioner of Police
Coimbatore City, Coimbatore.

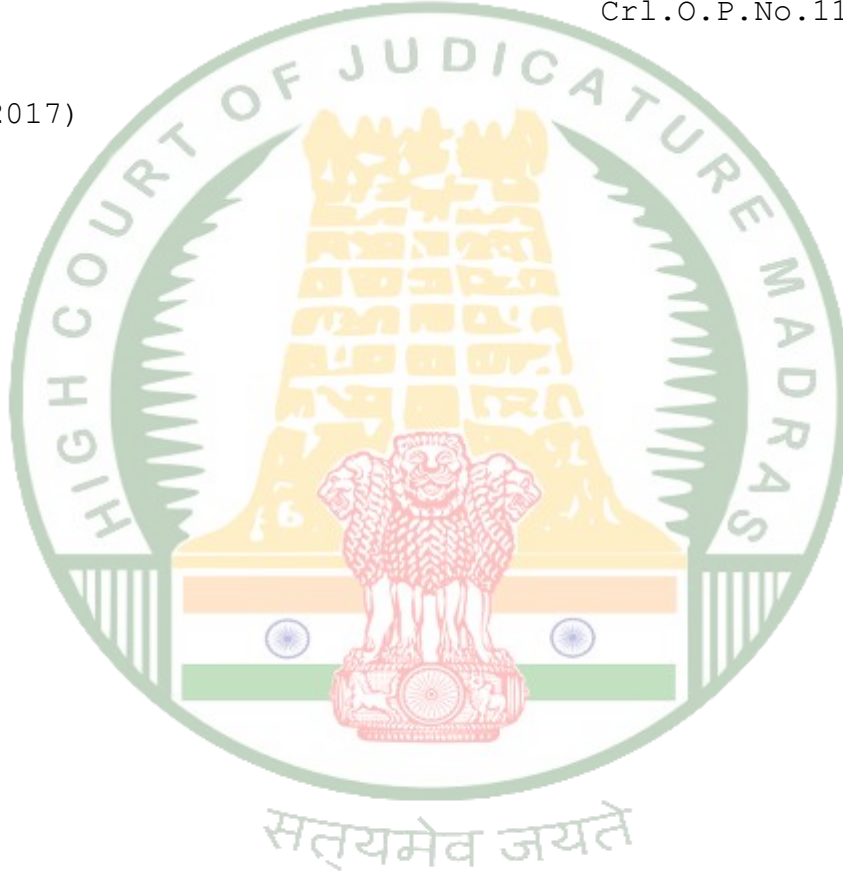
2.The Inspector of Police
B-15, Rathinapuri police station
Coimbatore.

3.The Public Prosecutor
High Court, Chennai.

+lcc to Mr.A.Thiagarajan & T.Balaji, Advocate, S.R.No.21143
+lcc to Mr.Richardson Wilson, Advocate, S.R.No.21188

CrI.O.P.No.11559 of 2016

VGII(CO)
CA(12/05/2017)



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