

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.01.2017
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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.247 of 2017

R.Karthekeyan

[Petitioner]

Vs

1.State rep.by

The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007.

2.The Inspector of Police (L&O),
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Chennai-600 062.

[Respondents]

Petition filed under Section 482 of the Criminal Procedure Code, to direct the second respondent to give police protection to the petitioner on the basis of the representation given by the petitioner to the respondents on 20.12.2016 in accordance with law.

For Petitioner : Dr.G.Krishnamurthy

For Respondents: Mr.C.Emalias,
Additional Government Pleader

O R D E R

This Criminal Original Petition has been filed to issue a direction to the second respondent to give police protection to the petitioner on the basis of the representation given by the petitioner to the respondents on 20.12.2016, in accordance with law.

2.The petitioner states that he is working in a private concern. He purchased a MIG type plot in Plot No.5910 in S.No.49 to the extent of 1936.8 sq.ft.in Ayyapakkam Village from one Nithiyanandam, who is the power agent of one Oviyam, wife of Nalin Ranjan. He purchased the said plot in March 2006 and from the date of purchase, he is in possession and enjoyment of the same. While so, one Arasu along with his henchmen, threatened the petitioner to vacate, stating that he is the previous owner

of the petitioner's land. When the petitioner approached the second respondent police, he was advised to redress his grievances through Civil Court. The petitioner also filed a suit in O.S.No.152 of 2010 before the District Munsif, Ambattur and obtained permanent injunction in his favour. Even then, the said Arasu threatened the petitioner and also put up his henchmen near the property of the petitioner, illegally. The petitioner made a representation to the respondents on 20.12.2016 by registered post. But the second respondent is not taking any action. Hence this Criminal Original Petition.

3.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the respondents.

4.Learned counsel appearing for the petitioner submitted that even after obtaining permanent injunction in favour of the petitioner, the said Arasu along with his henchmen, are continuously giving trouble to the petitioner and hence, on the strength of the order passed by the Trial Court, the petitioner requested the respondent police to give police protection. Learned counsel appearing for the petitioner further submitted that in identical situation, this Court, in the case of Radhika Sri Hari and another v. Commissioner of Police reported in 2014 (2) CTC 695, has held that the petitioner in that case would be entitled to police protection as prayer for. Thus, he sought for similar direction in this petition also.

5.On the above submissions, I have heard also the learned Additional Public Prosecutor and perused the entire materials available on record.

6.In the decision reported in 2014 (2) CTC 695 - Radhika Sri Hari and another v. Commissioner of Police, in paras 7 and 8, this Court has held as follows:-

"7.In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued

by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

8. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner."

Hence, as per the Guideline 11 issued by the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.6.2008, when police protection is sought for, for the implementation of a civil court order, it should be given readily. In the instant case also, the petitioner has obtained injunction in his favour from the competent civil Court and the same is now in force. Hence, based on the said order, the petitioner is entitled to get police protection.

7. In the result, the respondent police is directed to consider the representation of the petitioner dated 20.12.2016 on merits and in accordance with law, after issuing notice to the petitioner as well as all the interested parties, and take appropriate action within a period of four weeks from the date of receipt of a copy of this order. Till then, the respondent police is directed to provide adequate police protection to the petitioner. However, the same will be at the cost of the petitioner.

सत्यमेव जयते
-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner of Police,
Greater Chennai, Vepery, Chennai-600 007.

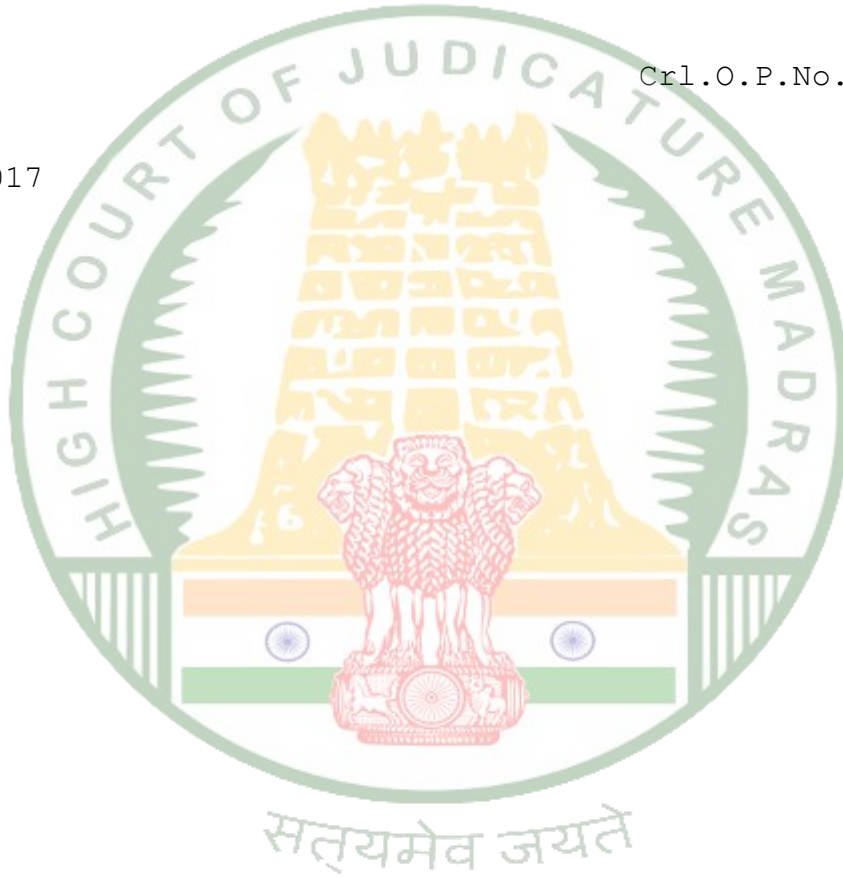
2.The Inspector of Police (L&O),
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Chennai-600 062.

3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+lcc to Mr.S.V.S.Ilamvazhuthi Advocate sr 5102

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