

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR JUSTICE M.S.RAMESH

Crl.O.P.No.5305 of 2018

K.Sasi Kumar

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
H-1, Otteri Police Station,
Vandalur - Otteri,
Kanchipuram District.

2.Ganesamoorthy ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent herein to give suitable police protection to the petitioner and his house property situated in the second floor of No.5/51, 2nd Main Road, Otteri Extension, Vandalur, Chennai -48.

For Petitioner : Mr.R.Arundattan

For Respondent-1: Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

This petition has been filed by the petitioner seeking a direction to the first respondent to give police protection to him and to his house property situated in the second floor of No.5/51, II Main Road, Otteri Extension, Vandalur, Chennai-48.

2.Heard Mr.R.Arundattan, learned counsel for the petitioner and Mrs.P.Kritika Kamal (Criminal Side) learned counsel for the first respondent. Though notice has been served on the second respondent and his name also printed in the cause list today, none appears on his behalf.

3.The case of the petitioner is that the second respondent is the erstwhile tenant. Though he had vacated the premises, he has failed to hand over the key of his house property situated in the second floor of No.5/51, 2nd Main Road, Otteri Extension,

Vandalur, Chennai-48 to the petitioner/landlord.

4. According to the learned counsel for the petitioner, the second respondent has failed to hand over the key of his rented portion to the petitioner/landlord and also threatened the petitioner that if the lock is opened, he would give a complaint to the police. In this back ground, the present criminal original petition has been filed.

5. On instructions, it is submitted by the learned Government Advocate (Crl.Side), based on the petitioner's complaint, when enquiry was conducted, the second respondent herein had not co-operated with the enquiry and therefore, the respondent police are unable to take a decision. The learned Government Advocate (Crl.Side) further submitted that if a direction to the respondent police to complete the investigation within a stipulated time is granted, the same would be complied.

6. In my view, the second respondent is not justified in keeping the property in his possession without paying the rent to the petitioner/landlord. If at all, the second respondent is aggrieved over the petitioner/landlord, it is open to him to seek remedy before the appropriate forum in accordance with law. In view of the same, the petitioner is directed to approach the first respondent with a representation seeking for necessary protection and the first respondent shall pass appropriate orders in accordance with law, within a period of one week from the date of receipt of such representation and that if any cognizable offence has been made out by the second respondent, the first respondent shall take necessary action against him within a period of two weeks from thereafter.

7. In the result, the Criminal Original Petition is allowed with the above directions.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

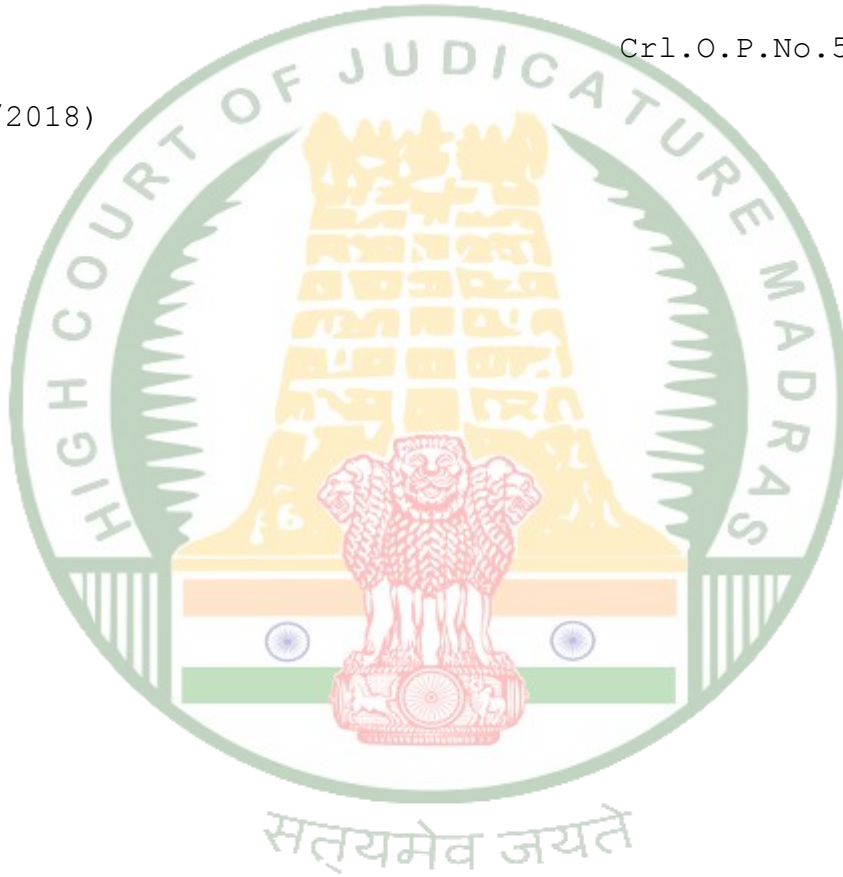
1.The Inspector of Police,
H-1, Otteri Police Station,
Vandalur - Otteri,
Kanchipuram District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Arun Dattan, Advocate, S.R.No.20137

Cr1.O.P.No.5305 of 2018

RRK(18/04/2018)



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