

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.06.2019

CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.14161 of 2019

L.Muralitharan

...Petitioner

-Vs-

1.The Director General of Police,
Chennai.

2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.The Deputy Superintendent of Police,
Villupuram District,Villupuram.

4.The Inspector of Police,
Vikravandi Police Station,
Villupuram District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent to give police protection to the petitioner and his family members in respect of their life and properties till the petitioner discharges fully all the creditors in respect of the loan transactions.

For Petitioner : M/s.N.Suresh

For respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
ORDER

This petition has been filed seeking for police protection.

2. The grievance of the petitioner is that the petitioner has become insolvent and he owes money to several 3rd parties. Therefore insolvency proceedings have been initiated and the same is pending in I.P.No.5 of 2018, before the Principal Subordinate Judge, Villupuram. The petitioner has surrendered and has given a list of all his properties to the insolvency Court, in order to enable the Court to appoint an official Assignee and to sell all the properties to settle the creditors. However, the petitioner is facing potential life threat and he is not permitted to prosecute the insolvency petition. The

petitioner made a representation to the respondent police seeking for police protection and since the same has not been acted upon, the present petition has been filed seeking for police protection.

3. The learned Additional Public Prosecutor on instructions submitted that an enquiry was conducted based on the representation made by the petitioner. On such enquiry, it came to known that the petitioner had cheated several persons and as a result of the same they are prosecuting against the petitioner to get back the money. The learned counsel submitted that on enquiry, the respondent police came to know that there is no such life threat and this petition has been filed only to get over from the claims of the creditors. The learned counsel further submitted that granting police protection to persons like petitioner will send a wrong message to the society and therefore the present petition has to be dismissed.

4. This Court has carefully considered the submissions made on either side and the materials placed on record.

5. The respondent police after conducting an enquiry have taken a categorical stand that the petitioner does not face any life threat as alleged by him. On the other hand, it was submitted that the petitioner in the guise of the police protection wants to evade the settlement of dues to the creditors.

6. In the facts and circumstances of the case, this Court cannot grant the relief as prayed for by the petitioner. If necessary, the petitioner can approach the insolvency Court and seek for protection order. The insolvency Court will have an opportunity to go through the materials and come to a conclusion as to whether the petitioner is entitled to get any protection order. This is an effective alternative remedy available to the petitioner.

7. In the result, this Criminal Original Petition is disposed of by giving liberty to the petitioner to workout his remedy before the insolvency Court by seeking for protection order and the same can be considered by the Court, by taking into consideration the facts and circumstances of the case and in accordance with law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Director General of Police,
Chennai.

2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.The Deputy Superintendent of Police,
Villupuram District,
Villupuram.

4.The Inspector of Police,
Vikravandi Police Station,
Villupuram District.

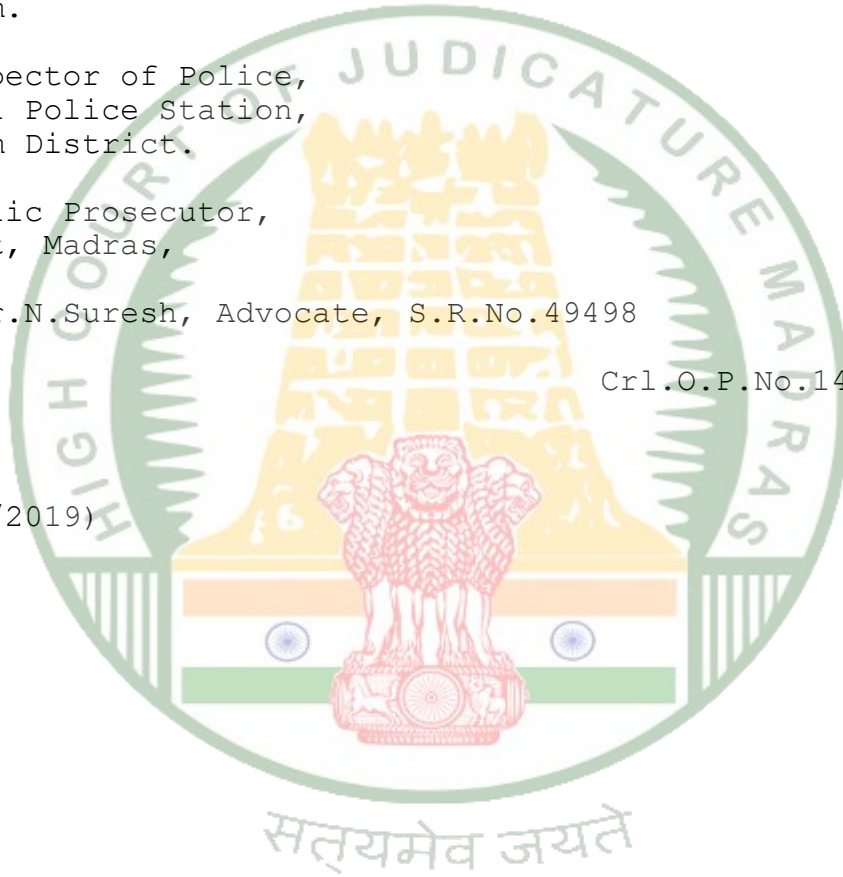
5.The Public Prosecutor,
High Court, Madras,

+lcc to Mr.N.Suresh, Advocate, S.R.No.49498

Crl.O.P.No.14161 of 2019

RSI (CO)

RRS (09/07/2019)



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