

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.23720 of 2019
and
WMP No.23582 of 2019

S.Jayapal

...Petitioner

.Vs.

- 1.The Director General of Police,
Police Head Quarters,
Dr.Radhakrishnan Salai,
Chennai-600 004.
- 2.The Commissioner of Police,
Greater Chennai City Police,
EVK Sampath Salai, Vepery,
Chennai-600 007.
- 3.The Deputy Commissioner of Police,
R-1 Mambalam Police Station,
First Floor, Madly Road,
T.Nagar,
Chennai-600 017.
- 4.The Assistant Commissioner of Police,
R-8 Police Station,
1st Floor, Arcot Road,
Vadapalani,
Chennai-600 026.
- 5.The Inspector of Police,
R-5, Viurugampakkam Police Station,
Abusali Street, Virugambakkam,
Chennai-600 092.

6.S.Gopikrishnan

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 5 provide adequate police protection to the petitioners family members life, lives based

on the petitioners representation dated 06.08.2019 given to the 1st respondent herein.

For Petitioner : Mr.S.Ravindran, Sr.Counnel for
Mr.A.C.Manibharathi

For R 1 to R 5 : Mr.C.Raghavan,
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for a direction to the respondent Police to give Police Protection to the petitioner and his family members.

2.It is seen from records that the petitioner and the 6th respondent had some business transaction. The petitioner owes money to the 6th respondent, and therefore the 6th respondent started putting pressure on the petitioner to pay the entire amount. Since the petitioner was not in a position to pay the amount, the 6th respondent has proceeded to enter into the house of the petitioner and threaten the women folks in the house and has also given a deadline to them saying that if the amount is not settled by them, they must vacate the property.

3.The petitioner has given a complaint to the respondent Police on 06.08.2019, bringing to the notice of the Police, the entire incident which took place on 05.07.2019, at the house of the petitioner. The petitioner has also stated in the complaint the fact that the Police Officers came to the house and they video graphed the entire occurrence, and thereafter no action was taken against the persons who barged into the house and threatened the women folk in the house. Since no action was taken, the petitioner has also made a representation to the higher authorities.

4.Mr.S.Ravindran, learned Senior Counsel appearing on behalf of the petitioner submitted that the 6th respondent should not be permitted to take law into his own hands and if at all the petitioner owes any money to him, he has to work out his remedy in the manner known to law. The learned Senior Counsel further submitted that the 6th respondent has already fixed a deadline and going by his conduct, there is a potential life threat to the petitioner and his family members. The learned Senior Counsel concluded his arguments by submitting that the respondent Police cannot be a mute spectator when such incidents takes place and they should take action immediately in accordance with law, and provide police protection to the petitioner and his family members.

5.The learned Government appearing on behalf of the respondent Police submitted that the respondent Police will take necessary action against the 6th respondent and others after conducting an enquiry. The learned counsel further submitted that necessary police protection will be given, if the police finds that there is a potential life threat to the petitioner and his family members.

6.Taking into consideration the facts and circumstances of the case, there shall be a direction to the 4th and 5th respondents to immediately call the parties for an enquiry. They shall direct the 6th respondent to work out his remedy in accordance with law for the recovery of money against the petitioner and he shall be specifically instructed not to take law into his own hands and cause threat to the petitioner and his family members. If inspite of the same, the 6th respondent resorts to any violence or causes threat to the petitioner and his family members, immediate action shall be taken in accordance with law. If necessary, police protection shall also be given to the petitioner and his family members.

This Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Director General of Police,
Police Head Quarters,
Dr.Radhakrishnan Salai,
Chennai-600 004.

2.The Commissioner of Police,
Greater Chennai City Police,
EVK Sampath Salai, Vepery,
Chennai-600 007.

3.The Deputy Commissioner of Police,
R-1 Mambalam Police Station,
First Floor, Madly Road,
T.Nagar,
Chennai-600 017.

4.The Assistant Commissioner of Police,
R-8 Police Station,
1st Floor, Arcot Road,
Vadapalani,
Chennai-600 026.

5.The Inspector of Police,
R-5, Viurugampakkam Police Station,
Abusali Street, Virugambakkam,
Chennai-600 092.

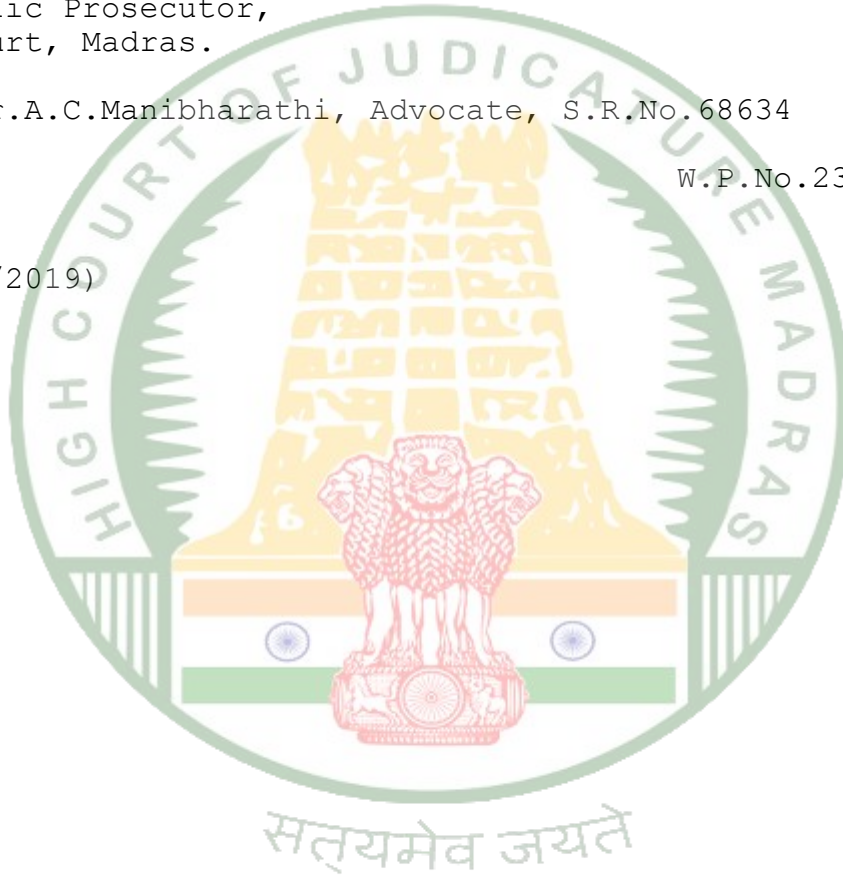
6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.C.Manibharathi, Advocate, S.R.No.68634

W.P.No.23720 of 2019

KK(CO)

RRS (09/08/2019)



WEB COPY