

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.24260 of 2019

Vupputur Ramesh

...Petitioner

Vs

1. The Inspector of Police,  
C-5, Kothaval Chavadi Police Station,  
Chennai.

2. Thatha Sampath Kumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first respondent Inspector of Police to give police protection for entering the premises without any disturbance and to carry out day to day activities peacefully and to conduct the quorum and pass resolutions of Sri Vupputur Alwar Chetty's Charities.

For Petitioner : M/s.S.Lalitha

For Respondents : Mr.C.Iyyapparaj for R1  
Additional Public Prosecutor

No appearance for R2

O R D E R

The Criminal Original Petition is filed to direct the first respondent Inspector of Police to give police protection for entering the premises without any disturbance and to carry out day to day activities peacefully and to conduct the quorum and pass resolutions of Sri Vupputur Alwar Chetty's Charities.

2. Apprehending that the second respondent herein might interfere with the management of the petitioner's charities, an application seeking for a police protection was made on 14.08.2019 to the first respondent herein and in view of the non consideration of such a representation, the present Criminal Original Petition has been filed.

3. Heard M/s.S.Lalitha, learned counsel appearing for the petitioner and Mr.C.Iyyapparaja, learned Additional Public Prosecutor appearing for the first respondent.

4.Though notice has been served on the second respondent and his name is also printed in the cause list, none appeared on his behalf.

5.The learned counsel for the petitioner would submit that in a civil suit in C.S.No.37 of 2019, this Court had, by an order dated 10.01.2019 granted an order of interim injunction restraining the defendants therein from interfering with the management of the petitioner's charities and that the said interim order is still in force. The second respondent herein has been arrayed as first defendant in the said suit. It is the submission of the learned counsel for the petitioner that inspite of the injunction order, there is interference by the second respondent herein in the management of petitioner's charities and therefore, the first respondent herein was not justified in keeping representation seeking for police protection, pending indefinitely.

6.The learned Additional Public Prosecutor would submit that with regard to the dispute between the petitioner and the second respondent, the civil suit is already pending and that if any direction is issued by this Court, the same should be complied with.

7.In the representation dated 14.08.2019, the petitioner had brought to the notice of the first respondent about the grant of interim order of injunction by this Court in O.A.No.37 of 2019 in C.S.No.37 of 2019. When such being the situation, there is a duty cast on the first respondent police to extend necessary police protection for the petitioner's charities for effectively implementing the order of injunction. As the second respondent has not chosen to appear before this Court, it is implied that they have no serious objection for grant of such a prayer sought in the present petition, in order to effectively implement the order passed by this Court in the civil suit, there shall be a direction to the first respondent police to consider the petitioner's representation dated 14.08.2019 and extend necessary protection, if required, atleast within a period of one week from the date of receipt of a copy of the said representation.

8. The Criminal Original Petition is disposed of accordingly.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vkr

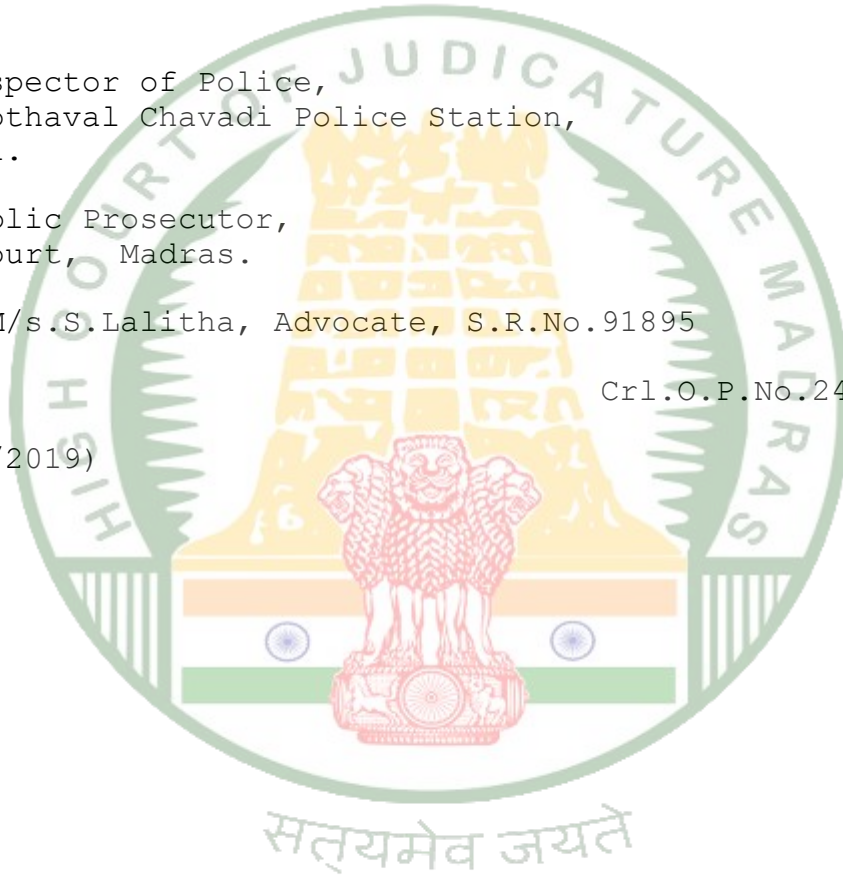
To

1. The Inspector of Police,  
C-5, Kothaval Chavadi Police Station,  
Chennai.
2. The Public Prosecutor,  
High Court, Madras.

+1 cc to M/s.S.Lalitha, Advocate, S.R.No.91895

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VD(CO)  
SSM(08/11/2019)



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