

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.32487 of 2019

R.Durairaj

... Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore,
Coimbatore District.
2. The Inspector of Police,
E-1, Police Station,
Singanallur Police Station,
Singanallur,
Coimbatore District.
3. Muthu Saravanan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to provide police protection to the petitioner and his family members from the illegal threats and trespasses based on the petitioner's representation dated 21.11.2019.

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.M.Mohammed Riyaz
Additional Public Prosecutor for R1
and R2

O R D E R

This petition has been filed by the petitioner to direct the second respondent to provide police protection to the petitioner and his family members from the illegal threats and trespasses.

2. The learned counsel for the petitioner has submitted that the third respondent who is the auction purchaser

in the SARFASI proceedings is trying to dispossess the petitioner without order of the Court/Debts Recovery Tribunal and hence, the petitioner has lodged a complaint before the second respondent on 21.11.2019 but, so far, no action has been taken.

3. Per Contra, the learned Additional Public Prosecutor has submitted that the petitioner had borrowed a loan from Canara Bank and since he did not re-pay the said amount, the Bank initiated SARFASI proceedings before the Debts Recovery Tribunal and the property also brought for sale and the third respondent is the auction purchaser and hence the petitioner is not entitled to seek police protection.

4. The second respondent is directed to conduct enquiry on the complaint which was said to be given by the petitioner. If the enquiry reveals that the third respondent got possession through process of law, then he has to close the complaint and direct the petitioner to approach the competent forum and get proper relief. Since the matter has already been seized by the Debts Recovery Tribunal, the petitioner has to work out his remedy only before Debts Recovery Tribunal.

5. With the above direction, this petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
Coimbatore,
Coimbatore District.
2. The Inspector of Police,
E-1, Police Station,
Singanallur Police Station,
Singanallur, Coimbatore District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.M.Sathish Kumar, Advocate sr.100339

CRL.O.P.No.32487 of 2019

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nr 11/12/2019



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