

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5453 of 2020

Karthikeyan P.

...Petitioner

Vs.

1.The Deputy Superintendent of Police
Karumathampatti
Coimbatore District

2.The Inspector of Police
Sulur Police Station
Coimbatore District

3.K.N.Sakthivel

4.Easwaramurthy

5.Sivanathan

...Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to give police protection to the petitioner for the removal of goods situated at No.3/257, Muthugoundenpudur Post, Sulur Taluk, Coimbatore 641 406 and at Senthottam, Muthugoundenpudhur, Sulur Taluk, Coimbatore District.

For Petitioner : Mr.R.Rajarajan

For Respondents: Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1 to R2

O R D E R

This petition has been filed seeking police protection for the removal of goods situated at No.3/257, Muthugoundenpudur Post, Suler Taluk, Coimbatore 641 406 and at Senthottam, Muthugoundenpudhur, Suler Taluk, Coimbatore District.

2. The case of the petitioner is that the petitioner is running a proprietorship concern under the name and style of Greenbridge Packtech for the past 2 1/2 years. The third respondent, who was also manufacturing carton boxes, approached the petitioner in the year 2017 and offered to be an employee under the petitioner stating that he had suffered loss in the business. The petitioner was in occupation as tenant of the premises situated at No.3/257, Muthugoundenpudur post, Suler Taluk, Coimbatore District. The petitioner purchased machineries worth about Rs.50 lakhs and the same was handed over to the 3rd respondent for manufacturing carton boxes. The monthly rents for the premises can be paid by the petitioner to the landlord. The third respondent received salary as well as profits from job works. The 3rd respondent used to borrow personal loans every now and then from the petitioner and then right from the year 2017, which runs to nearly about Rs.40 lakhs. The trust imposed by the petitioner is falsified, by the subsequent conduct of the 3rd respondent. Hence, in the month of October 2019, the 3rd respondent demanded the petitioner a further sum of Rs.5lakhs for interest and the petitioner told the 3rd respondent that he had already advanced nearly about Rs.40 lakhs, which is still remained unpaid. Therefore, the third respondent left the management of the business since October 2019. There were carton boxes worth about Rs.20 lakhs belonging to the petitioner still resting in the factory premises without being sold. The 3rd respondent, who is none other than the employee, is preventing the petitioner from removing the machineries by employing goondas and henchmen.

3. Further case of the petitioner is that the 3rd respondent appears to be a chronic defaulter in repaying the loan amount and there are several court proceedings pending against the 3rd respondent. Hence, the petitioner herein has given a representation dated 20.01.2020 to respondents 1 and 2 along with all the invoices, bank statement and other documents showing that he is the absolute owner of the machineries as well as the goods inside the aforesaid premises. The said representation was refused by the respondents. Therefore, this criminal original petition has been filed for the aforesaid prayer.

4. The learned Additional Public Prosecutor submitted that

based on the representation of the petitioner dated 20.01.2020, the 2nd respondent conducted an enquiry.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

6. Considering the above facts and circumstances of the case, the 2nd respondent is directed to conduct an enquiry, after issuing notice to respondents 3 to 5 and after giving an opportunity of hearing to all the parties concerned, and pass orders, on merits and in accordance with law, within a period of six weeks, from the date of receipt of a copy of this order.

7. With the above direction, this criminal original petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police
Karumathampatti
Coimbatore District

2.The Inspector of Police
Sulur Police Station
Coimbatore District

3.The Public Prosecutor,
High Court, Madras

+1cc to Mr.R.Rajarajan, Advocate, S.R.No.21817

Cr1.O.P.No.5453 of 2020

PP(CO)
RN(01/06/2020)