

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9302 of 2020

H.Mohammed Haja Faisutheen

... Petitioner

Vs.

1. The Commissioner of Police
Chennai Commissionerate
Veppary, Chennai-3.

2. The Inspector of Police
T1, Triplicane Police Station
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to provide necessary police protection as personal security either by the State Cost or on payment of the petitioner in order to comply with the Article 21 of the Constitution of India and to award cost.

For Petitioner : M/s.P.Vijendran

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus directing the respondents to provide necessary police protection as personal security either by the State Cost or on payment of the petitioner in order to comply with Article 21 of the Constitution of India and also to award cost.

2. It is seen that the petitioner lodged a complaint as against the accused and the same was registered in Crime No.138 of 2020 on the file of the second respondent for the offences under Sections 147, 148, 341, 294(b), 323, 427, 336, 363 and 506 (2) of IPC. While arresting the accused, the accused persons attacked even the second respondent police and thereafter, they were remanded to judicial custody. Immediately, they were also released on bail by the learned Principal Sessions Judge,

Chennai, by order dated 08.03.2020. After coming out on bail, the accused persons threatened the petitioner with dire consequences. Therefore, the petitioner lodged another complaint on 21.03.2020 with the second respondent. Therefore, he sought for police protection.

3. Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

4. The learned Additional Public Prosecutor submitted that it is seen from the complaint that the petitioner is anticipating future occurrence at the hands of accused persons and as such, the present complaint has been lodged and also, on the strength of the complaint, the present Petition has been filed.

5. Considering the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents, on the complaint made by the petitioner, already crime was registered against the accused persons in Crime No.138 of 2020 for the offences under Sections 147, 148, 341, 294(b), 323, 427, 336, 363 and 506(2) of IPC, in which, the accused persons were arrested and subsequently released on bail. Therefore, police protection cannot be granted to the future crime anticipating future occurrence. Apprehending assault and murder at the hands of the accused, the petitioner filed another complaint and it is pending on the file of the second respondent. If any threat suffered by the petitioner at the hands of the accused, the petitioner is at liberty to file fresh complaint on fresh cause of action, if any arose, to the second respondent.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police
Chennai Commissionerate
Veppary, Chennai-3.

2.The Inspector of Police
T1, Triplicane Police Station
Chennai.

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

W.P.No.9302 of 2020

SAI (CO)
RMP (05/10/2020)



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