

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No.22370 of 2019

D.Vijayabharathy

...Petitioner

-Vs-

1.The Inspector of Police,
Neelangarai Police Station,
Chennai.

2. Mallai Sathya

3. A.K.Sivasankaran

4. Umesh Kumar

5. Kesavaraj Kumar

6. Durgashini ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 1st respondent to render police protection protecting the life of the petitioner and his business.

For Petitioner : Mr.K.S.Kaviarasu

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For RR2 to RR6 : No appearance

ORDER

This Criminal Original Petition has been filed to direct the first respondent to provide police protection to the petitioner and his business.

2. Even though, notice was served on the respondents 2 to 6 and their names also printed in the cause lit, they have not appeared either in person or through counsel and hence, after hearing the learned counsel for the petitioner and the learned Additional Public Prosecutor who is appearing for the first respondent, order is being passed.

3. The learned counsel for the petitioner has submitted that the petitioner is a statutory tenant under the

respondent Nos.3 to 5. He further submitted that the second respondent is a politically influenced person and at the instigation of the second respondent, the respondents 3 to 6 tried to evict the petitioner from the tenanted premises by force and hence the petitioner has filed a suit in O.S.No.147 of 2019 on the file of the Principal District Munsif Court, Alandur for the relief of permanent injunction. But, since the respondents 2 to 6 have filed a Caveat, the petitioner is not able to get any interim order. He further submitted that the respondents 2 to 6 have trespassed into the premises which is in his possession and caused damages and hence the petitioner has lodged a complaint before the first respondent on 21.03.2019. He further submitted that after receipt of the said complaint, the first respondent has not taken any action. Hence the petitioner has filed CrI.O.P.No.11962 of 2019 before this Court to direct the first respondent herein to register an F.I.R on the petitioner's complaint. When the said Criminal Original Petition came up for hearing on 17.06.2019, the learned Additional Public Prosecutor has submitted that the third respondent has registered a case in Crime.No.430 of 2019 for the offences under section 380, 427, 448, 451 and 506 (i) IPC and recording the same, that petition was closed. He further submitted that even though, F.I.R was registered on 07.06.2019, subsequently the first respondent has not taken any steps to arrest the accused persons and emboldened by the same, the accused persons are not allowing the petitioner to run his business smoothly and therefore, he requests to direct the first respondent to give police protection to the petitioner and his business premises.

4. Per contra, the learned Additional Public Prosecutor appearing for the first respondent has submitted that already F.I.R has been registered in Crime.No.430 of 2019 on 07.06.2019, but thereafter the accused were not arrested.

5. Considering the aforesaid submissions, this Court of the view that if any further action is taken on the said F.I.R that would serve the purpose. Hence, the first respondent is directed to take further action on the aforesaid F.I.R and expedite the investigation and file a final report within three months from the date of receipt of a copy of this order.

6. With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

mfa

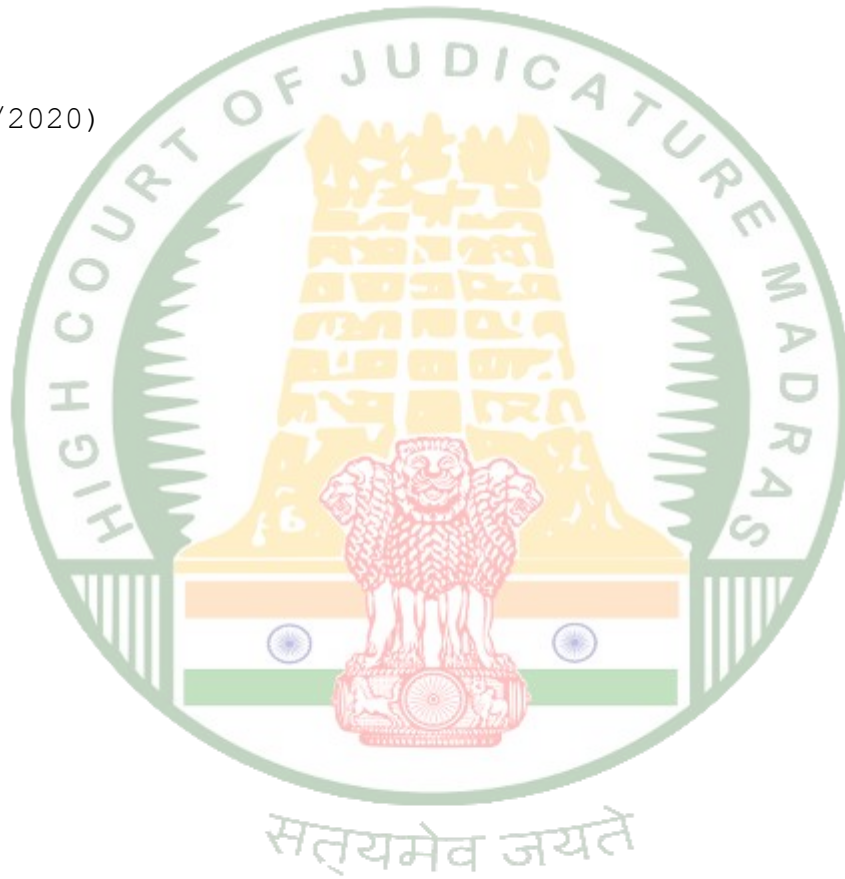
To

1.The Inspector of Police,
Neelangarai Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

3. Mr.K.S.Kaviarasu,Advocate, S.R.No. 11493

SV(CO)
rli(20/05/2020)



WEB COPY