



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. (MD)No. 8663 of 2020

Kanagaraj

... Petitioner

Vs.

- 1.The Superintendent of Police
Trichy District, Trichy.
- 2.The Sub-Inspector of Police
Kallakudi Police Station, Trichy District.
- 3.Rengaraj
- 4.Hari
- 5.Chinnasamy
- 6.Kattooran

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the second Respondent to provide adequate police protection to the petitioner's life and limb and to cultivate the land in Survey No.2/1A and 2/4 measuring about 0.94.25 Hectare and 0.1.50 Hectares situated at Varakuppai Village, Lalgudi Taluk, Trichy District by considering the petitioner's representation dated 17.07.2020.

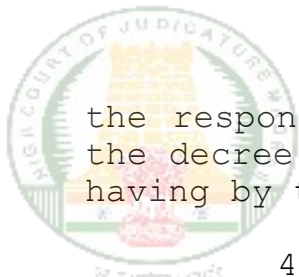
For Petitioner : Mr.T.Lenin Kumar
For R-1 & R-2 : Mr.S.Chandrasekar,
Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to the second Respondent to provide adequate police protection to the petitioner's life, limb and to cultivate the land in Survey No.2/1A and 2/4 measuring to an extent of 0.94.25 Hectare and 0.1.50 Hectares situated at Varakuppai Village, Lalgudi Taluk, Trichy District, by considering the representation given by the petitioner, dated 17.07.2020.

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

3.The learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2, on instructions, would submit that in earlier based on the complaint given by the petitioner, dated 17.07.2020, the second respondent herein initiated an enquiry in CSR.No.331 of 2020. Subsequently, though the second respondent is directed the petitioner to appear before him for enquiry, the petitioner had not appeared, thereby, after recording the statements from the respondents 3 to 6, the second respondent police closed the enquiry, however, during the time of receiving the statements from



the respondents 3 to 6 herein, they gives an undertaking to follow the decree passed by the Civil Court, in respect of the land dispute having by the petitioner with the respondents 3 to 6.

4.In this regard, the learned counsel for the petitioner would submit that closing the enquiry without examining the petitioner is in violation of natural justice, further, in this regard, the petitioner is denied the opportunity to make a submission before the respondent police at the relevant point of time.

5.Therefore, considering the facts and circumstances of the case, this Court also admits that closing of enquiry, without examining the petitioner is not a proper one. Therefore, it would appropriate to direct the second respondent to re-open the enquiry already made by him in CSR.No.331 of 2020 and thereafter, after giving an opportunity to either side shall complete the enquiry in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and also directs during the time of enquiry if it is found, protection is required to the petitioner, necessary protection will be given to him.

6.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Superintendent of Police
Trichy District, Trichy.

2.The Sub-Inspector of Police
Kallakudi Police Station, Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.[MD]No. 8663 of 2020
27.08.2020

SPU (10.09.2020) 2P 4C

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