



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

W.P. (MD)No.13207 of 2020

Gowrishankar

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Trichy Region, Trichy.

2.The Superintendent of Police,
Karur District, Karur.

3.The Inspector of Police,
District Crime Branch, Karur District.

4.Dharmaraj

5.Manivel

6.Kandhasamy

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to give adequate police protection for the life and limb of the petitioner and his family members based upon the representation of the petitioner dated 08.07.2020.

For Petitioner : Mr.S.Gokulraj

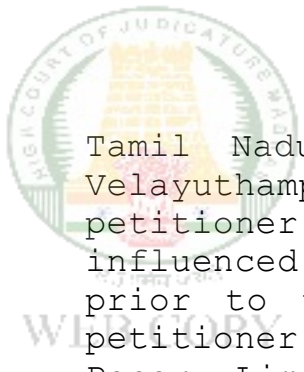
For R-1 to R-7 : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

The petitioner filed this writ petition praying for issuance of a writ of mandamus to direct the respondents 1 to 3 to give adequate police protection for the life and limb of the petitioner and his family members, based upon the representation of the petitioner, dated 08.07.2020.

2.The grievance of the petitioner is that the petitioner is a B.Tech graduate and he is searching for a permanent job. The sixth respondent is his friend and he introduced the fourth respondent stating that he is his nephew, who is the contractor in



Tamil Nadu News Print and Paper Limited (TNPL), TNPL Nagar, Velayuthampalayam, Karur District. Further, he had told the petitioner that the sixth respondent is also a political influenced person. The further case of the petitioner is that prior to the occurrence, the sixth respondent had told to the petitioner as there was a vacancy in Tamil Nadu News Print and Paper Limited (TNPL) and for availing the same, a sum of Rs.15,00,000/- is necessary. Further he made assurance before the petitioner as if the said amount was paid to him, he would get permanent job within a period of 120 days. By believing the words, the petitioner paid money on various dates as stated hereunder:-

Sl.No.	Date	Amount in Rs.
1.	22.08.2018	7,40,000/-
2.	25.08.2018	2,60,000/-
3.	10.09.2018	2,00,000/-
4.	25.09.2018	2,00,000/-
5.	10.10.2018	1,00,000/-
	Total	Rs.15,00,000/-

3.According to the petitioner, the said transaction was done in the presence of the fourth and fifth respondents herein and also in addition to the above said transaction, the fourth and fifth respondents were received Rs.2,75,000/- on 29.10.2018 for getting Experience Certificate and in toto, the respondents 4 to 6 received a sum of Rs.17,75,000/-. After receipt of the same, on 15.11.2019, the fifth respondent had informed the petitioner to come to TNPL Road, Velayuthampalayam, Karur District and shared a fake appointment order to the petitioner mobile phone with instruction to delete it at once seen. Further, he assured to the petitioner that he got appointment through post within few days. However, no such appointment order was issued by the Authority and thereafter, the petitioner realized that he had been deceived by the respondents 4 to 6.

4.The further case of the petitioner is that inspite of several requests made to the respondents 4 to 6 for repaying the amount which had already been paid, they have threatened the petitioner with dire consequences. Therefore, in the said circumstances, the petitioner herein preferred the complaint before the second respondent on 31.07.2019 in person, who in turn, forwarded the same to the third respondent and the third respondent herein had taken the complaint on his file in File No.155 of 2019. Thereafter, the third respondent had conducted the enquiry, in which, the respondents 4 to 6 were admitted the guilt and paid a sum of Rs.1,00,000/- as part and assured to



return back the said amount very soon. Subsequently, contra to the same, the petitioner received anomalous phone call from unknown persons and also they threatened the petitioner to withdraw the complaint. In this regard, the petitioner has given a fresh representation on 08.07.2020, for which, no action has been taken by the respondent police. However, the third respondent herein had issued summons to the petitioner insisting him to appear on 15.07.2020, for which the petitioner by obeying the said direction appeared before the third respondent and produced the relevant documents in respect of the transaction. Thereafter, no action has been taken in the the representation given by the petitioner. Only in the said circumstances, the petitioner is before this Court with the present writ petition.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

6.The representations dated 08.07.2020 and 31.07.2020 are placed before this Court for consideration. It is a peculiar case, in which, the representations given by the petitioner dated 08.07.2020 and 31.07.2020 clearly disclose the fact that when at the time of occurrence with the intention to deceive the petitioner, the respondents 4 to 6 received a sum of Rs.17,75,000/- and even after knowing the same, the respondent police had not registered the First Information Report, from 08.07.2020 to till date. So, the inaction on the part of the respondent police is nothing, but dereliction of the duty on their part.

7.In view of the above, this Court vide order dated 30.09.2020, directed the Deputy Superintendent of Police, District Crime Branch, Karur District and the third respondent herein, to appear before this Court through video conferencing on 01.10.2020.

8.As directed above, today, the Deputy Superintendent of Police, District Crime Branch, Karur District and the Inspector of Police, District Crime Branch, Karur, appeared through Video Conferencing and made a submission that on 30.09.2020, after considering the representation given by the petitioner, the First Information Report has been registered in Crime No.20 of 2020, for the offence punishable under Sections 406 and 420 of I.P.C., against the respondents 4 to 6. They further made a submission as they joined the duty only in the last week as Officers in the District Crime Branch, Karur and also they asked apologize for their inaction, which took place in the earlier period.



9. Therefore, considering the facts and circumstances of the case, since the representation given by the petitioner had already been considered, further order is not necessary in this Writ Petition. However, the petitioner being the victim in the alleged crime, it is necessary to protect him from the hands of the respondents 4 to 6. Therefore, the third respondent is directed to give necessary protection to the petitioner, if necessary.

10. Accordingly, with the above observation and direction, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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 Deputy Inspector General of Police,
Trichy Region, Trichy.

2. The Superintendent of Police,
Karur District, Karur.

3. The Deputy Superintendent of Police,
District Crime Branch, Karur District

4. The Inspector of Police,
District Crime Branch, Karur District.

+1 CC to M/s.S. GOKULRAJ, Advocate (SR-18845[F] dated
01/10/2020)

Order made in
W.P. (MD)No.13207 of 2020
Dated : 01.10.2020

DKS (CO)

TR(16.10.2020) 4P 6C