



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2020

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

Crl.O.P.(MD)No.11631 of 2020

WEB COPY

Muthupandian

... Petitioner

vs.

1)The Superintendent of Police,  
Madurai District,  
Madurai.

2)The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Thirumangalam,  
Madurai District.

3)The Sub-Inspector of Police,  
Koodakovil Police Station,  
Madurai District.

4)Paramasivam

5)Muthulakshmi

... Respondents

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the respondents 1 to 3 to give police protection for life and limb of the petitioner, his leased property.

For Petitioner : Mr.S.Muniyandi

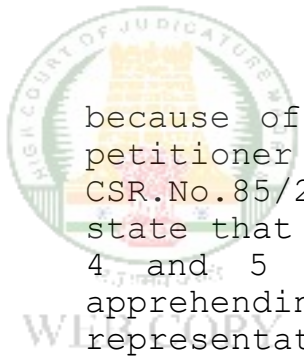
For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor

### **O R D E R**

This Criminal Original Petition has been filed for directing the respondents 1 to 3 to give police protection for life and limb of the petitioner, his leased property.

2.The learned counsel for the petitioner would state that the petitioner along with one Lakshmanan son of Muthukaruppan entered into a registered lease agreement with one Balamurugan son of Kannan in respect of the property in S.Nos.40/1, 40/2 and 40/3, situated in Atcankulam Village, Thirumangalam Sub Division, Madurai, and doing stone crushing in the leased property. While so, the respondents 4 and 5 wrongfully entered into the leased property and threatened the petitioner and another with dire consequences. According to the petitioner, he is having profession licence and remitted necessary tax to the concerned authority. The petitioner informed the alleged threat by the respondents 4 and 5 to the lessor Balamurugan who lodged a complaint to the 3<sup>rd</sup> respondent on 30.09.2020 stating that



because of the respondents 4 and 5 armed with deadly weapon, the petitioner is unable to enter into the leased property and though CSR.No.85/2020 was given, no action was taken. The petitioner would state that the 4<sup>th</sup> respondent involved in murder case and respondents 4 and 5 are notorious and influential persons and therefore, apprehending threat to his life and property, the petitioner sent a representation to the respondents 1 to 3 on 07.10.2020 to give police protection for his life and the leased property, but no action has been taken. Hence, this petition.

3.The learned Additional Public Prosecutor would state that the respondents 1 to 3 will consider and dispose of the petitioner's representation dated 07.10.2020 within a time frame to be fixed by this Court.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. In view of the order going to be passed, notice to respondents 4 and 5 is not necessary.

5.Recording the above submission made by the learned Additional Public Prosecutor, without going into the merits of the case, the respondents 1 to 3 are directed to consider and pass orders on the petitioner's representation dated 07.10.2020 after giving opportunity to the respondents 4 and 5 by following the guidelines laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610.*** The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

The Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (Records)

// 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,  
Madurai District,  
Madurai.

2)The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Thirumangalam,  
Madurai District.

3)The Sub-Inspector of Police,  
Koodakovil Police Station,  
Madurai District.

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

Crl.O.P. (MD) No.11631 of 2020  
DATED : 02.12.2020

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