



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.13474 of 2020

Kasthuri

... Petitioner

Vs

1.The Superintendent of Police,
Superintendent of Police Office,
Sivagangai, Sivagangai District.

2.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Sivagangai, Sivagangai District.

3.The Inspector of Police,
Ilayankudi Police Station,
Ilayankudi,
Sivagangai District.

4.V.Saroja

5.R.Pirema

6.Selvakumar

7.Ramarajan

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 3rd respondent to provide adequate police protection to the petitioner on the basis of the representation given by the petitioner on 16.09.2020 and 18.09.2020.

For Petitioner: Mr.S.Muthukumar

For R1 to R3 : Mr.V.Neelakandan,
Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the 3rd respondent to provide adequate police protection to the petitioner on the basis of the representation given by the petitioner on 16.09.2020 and 18.09.2020.

2. The learned counsel for the petitioner would submit that the petitioner has purchased a vacant house site situated in Survey No.109/27, through registered sale on 23.06.2008 from one Lakshmi and Sudha and constructed a house from his hard earned money. While that being so, the respondent Nos 4 to 7 asked to sell the said house to them. When the petitioner refused to sell the same to the respondent Nos.4 to7, they started to threat the petitioner. Therefore, the petitioner has given complaint before the respondent



police. Even then, the respondent Nos.4 to 7 are continuously threatening the petitioner. Hence the petitioner has sent another complaint to the 1st respondent on 18.09.2020. But, no action has been taken by the respondent police. Hence, the petitioner is before this Court.

WEB COPY

3.The learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, on instructions, would submit that the complaint of the petitioner, dated 18.09.2020, has been received by the respondent police and based on which, CSR No.793 of 2020 has been assigned on 16.11.2020 and the enquiry is pending. He would further submit that the respondents 1 to 3 will consider and dispose of the petitioner's representation 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 to 7 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 18.09.2020 after giving opportunity to the respondents 4 to 7 by following the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** and if it is found that police protection is necessary, the same may be given to the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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,
O/o The Superintendent of Police,
Sivagangai, Sivagangai District.
- 2.The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Sivagangai, Sivagangai District.
- 3.The Inspector of Police,
Ilayankudi Police Station,
Ilayankudi,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MUTHU KUMAR, Advocate (SR-22817[F] dated
26/11/2020)

Crl.O.P(MD)No.13474 of 2020

26.11.2020

DKS (CO)

NR (08/12/2020) 3P : 6C