



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.13885 of 2020

K.R.Balu @ Balasubramani

... Petitioner

Vs

1.The Superintendent of Police
Sivagangai, Sivagangai District.

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

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

4.Murali

5.Murugesan

6.Jeeva@Jeevanandam

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 3rd respondent to provide adequate police protection to the petitioner and his family members on the basis of the representation given by him on 19.11.2020.

For Petitioner: Mr.S.Bala Karthick

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 and his family members on the basis of the representation given by the petitioner on 19.11.2020.

2. The learned counsel for the petitioner would submit that the petitioner is doing paddy business and used to purchase paddy from the respondent Nos. 4 to 6 and sell it to the retailers namely Rajendran, Kumar and Umasekar. Since the said retailers failed to pay the amount to the petitioner, he was also not able to pay the amount to the respondent Nos.4 to 6. COVID-19 pandemic is also one of the reason for non-payment. In this situation, the respondent Nos. 4 to 6 threatened the petitioner and his family members to make the payment, without giving time. More specifically, the 6th respondent trespassed into the petitioner's house and had given life threat the the petitioner. Hence, the petitioner has given complaint



to the respondent police on 19.11.2020, for giving police protection. So far, no action has been taken by them. Hence, this petition.

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 has been received by the respondent police and CSR No.242 of 2020 has been assigned on 29.01.2020 and the enquiry is pending.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3. In view of the order going to be passed, notice to the respondent Nos.4 to 6 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 complaint dated 19.11.2020 after giving opportunity to the respondent Nos.4 to 6 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 directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (P & A)

// 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
Sivagangai, Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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

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

Crl.O.P(MD)No.13885 of 2020

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ARK (CO)

NR (21/12/2020) 3P : 5C