



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

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

Crl.O.P. (MD)No.14249 of 2020

Amalraj

... Petitioner

Vs.

- 1.The Superintendant of Police
Superintendant of Police Office,
Sivagangai,
Sivagangai District.
- 2.The Deputy Superintendant of Police
Deputy Superintendant of Police Office,
Devakottai,
Sivagangai District.
- 3.The Inspector of Police,
Town Police Station,
Devakottai,
Sivagangai District.
- 4.Kanikaimary
- 5.Jenisa
- 6.Asarudeen
- 7.Durairaj
- 8.Asaithambi

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the third respondent herein to provide adequate police protection to the petitioner on the basis of the representation given by the petitioner on 05.11.2020 and 28.11.2020.

For Petitioner : Mr.S.Muthukumar

For Respondents 1 to 3 : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed directing the third respondent to provide adequate police protection to the petitioner based on his representations, dated 05.11.2020 and 28.11.2020.



2.The learned counsel for the petitioner would state that the petitioner has purchased a property in the name of his wife/fourth respondent. The petitioner decided to build a house in that property, but the fourth respondent refused to get loan in her name. Therefore, the petitioner decided to get loan in his name and to that effect, the fourth respondent has executed a gift settlement deed dated 15.03.2004 in favour of the petitioner. All of a sudden, the fourth respondent colluding with the respondents 5 to 8 has cancelled the gift settlement deed on 28.12.2012 and executed a sale deed in favour of the eighth respondent on 31.12.2012. In order to grab the petitioner's property on 17.10.2020, the respondents 4 to 8 illegally trespassed into the petitioner's property and caused trouble. The specific case of the petitioner is that the fourth respondent has separated from the petitioner for the past 10 years and married the seventh respondent. After the second marriage, the petitioner filed divorce petition and the same is pending. Now, the fourth respondent has trespassed into the petitioner's house and assaulted him. Therefore, the petitioner lodged a complaint on 05.11.2020 requesting to take action against the respondents 4 to 8. Thereafter, apprehending danger to his life and limb at the hands of the respondents 4 to 8, the petitioner sent a representation dated 28.11.2020, seeking police protection. Since no action was taken, the petitioner has filed the present petition.

3.The learned Additional Public Prosecutor would state that based on the petitioner's complaint, dated 05.11.2020, enquiry has been conducted in CSR No.355 of 2020, wherein, the petitioner agreed to accommodate his wife / 4th respondent and children in his house and would state that his complaint need not be proceeded further. Recording the said statement of the petitioner, the complaint was closed on 10.11.2020. After the closure of the above complaint, the petitioner has sent another representation, dated 28.11.2020, to the respondents 1 to 3, seeking police protection. The learned Additional Public Prosecutor would further state that the petitioner's representation dated 28.11.2020, will be considered.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. Since there is no adverse order going to be passed, notice to the respondents 4 to 8 is not necessary.

5.Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents 1 to 3 to consider the representation of the petitioner, dated 28.11.2020, after giving opportunity to the respondents 4 to 8 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***, 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.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

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
Superintendent of Police Office,
Sivagangai, Sivagangai District.
2. The Deputy Superintendent of Police
Deputy Superintendent of Police Office,
Devakottai,
Sivagangai District.
3. The Inspector of Police,
Town Police Station,
Devakottai, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Muthukumar, Advocate Sr.No.24568

Crl.O.P.[MD]No.14249 of 2020

08.12.2020

SE (CO)

NR (09/02/2021) 3P : 6C