



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.15554 of 2020

Bazir Ahamad

... Petitioner

Vs

1.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

2.Manickam

3.Nallusamy Pusari

4.Rajendran

5.Palanichamy

6.Annamalai

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the first respondent to give police protection to the life and limb of the petitioner and his family members on the basis of the complaint given by the petitioner dated 24.07.2020.

For Petitioner : Mr.P.Subbaraj

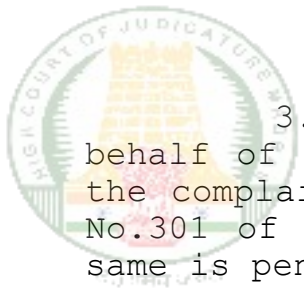
For R1 : Mr.V.Neelakandan,

Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to give police protection to the life and limb of the petitioner and his family members on the basis of the complaint given by the petitioner dated 24.07.2020.

2. The learned counsel for the petitioner would submit that the land in Survey No.33/1 and 33/3 at Thuvarankurichi Village, Marungapuri Taluk, Trichy District belonged to the family of the petitioner. The revenue records are stands in the name of the petitioner's family. While so, the respondents 2 to 6, who have no right over the property made a representation to the first respondent on 10.06.2020. On the basis of the same, a detailed enquiry was conducted and it was found that the petitioner is the absolute owner of the property in question and the respondents 2 to 6, who have no right over the property, should not disturb the petitioner. Even thereafter, the respondents 2 to 6 on 24.07.2020 along with henchmen gave trouble to the petitioner and also threatened the petitioner and his family members. Therefore, the petitioner's brother gave a complaint before the first respondent. So far, no action has been taken by them. Hence, this petition.



3.The learned Additional Public Prosecutor appearing on behalf of the first respondent, on instructions, would submit that the complaint of the petitioner's brother has been received and CSR No.301 of 2020 has been assigned on 24.07.2020 and enquiry on the same is pending.

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4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

5.Recording the above submission made by the learned Additional Public Prosecutor, without going into the merits of the case, the first respondent is directed to consider and take action on the complaint of the petitioner's brother dated 24.07.2020 after giving opportunity to the necessary parties 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*** on merits and in accordance with law. 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 (ADII)

// 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 Inspector of Police,
Thuvarankurichi Police Station,Trichy District.

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

+1CC to.Mr.P.Subbaraj,Advocate,SR.No.27004 dated 23/12/2020

Crl.O.P (MD) No.15554 of 2020
23.12.2020

NA (CO)

KB(11.01.2021) 2P 4C