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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14640 of 2021

R.Raji

... Petitioner

Versus

1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Attaiyamaptti Police Station,
Salem District.
3. Lakshmanan.
4. Jeganathan.

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C. to direct 2nd respondent herein viz. the Inspector of Police, Attaiyamaptti Police Station, Salem District to conduct enquiry in CSR No.146 of 2021 dated 21.07.2021 and take appropriate action in accordance with law and also provide adequate police protection to petitioner for his construction work.

For Petitioner : Mr. A.Rajakumar

For Respondents : Mr.A.Damodaran,
Government Advocate (Crl.side)
for R1 & R2

ORDER

This petition has been filed to direct the 2nd respondent to conduct enquiry on the complaint of the petitioner and take appropriate action .

2. The contention of the petitioner is that the petitioner had been putting up construction in his property, which is being obstructed by the 2nd and 3rd respondents. Earlier to this occurrence, there was an obstruction and assault was also made on the petitioner, for which, the petitioner had lodged a complaint and a case in Crime No.766 of 2020 for the offence



under Sections 341, 294(b), 323, 324 of IPC has been registered and thereafter, since there was no proper action against the counter petitioners, again are obstructing the petitioner to do his construction activities, the petitioner has lodged another complaint on 21.07.2021, in which, CSR No.146 of 2021 had been assigned. But, no action taken till date. Hence, the present petition.

3. The counsel for the petitioner would submit that the petitioner had taken a loan and putting up construction in his property. The counter petitioners, who are none other than his relatives, are obstructing the same. Due to which, construction work could not be completed and the dues are also mounting against the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondents 1 and 2 would submit that on receipt of the complaint from the petitioner, CSR No.146 of 2021 had been assigned. The main allegation of the petitioner is that Lakshmanan/3rd respondent and his family members are indulging in these activities. The said Lakshmanan was recently tested positive and after the quarantine period is over, he would be called for enquiry and enquiry will proceed. With regard to the earlier case in Crime No.766/2020 investigation completed, Charge Sheet also filed before Jurisdiction Court on 30.12.2020 and the police are acting impartially in this matter.

5. I have considered the submissions and perused the materials available on records carefully.

6. Considering the submissions and on a perusal of the records, it is seen that there is no order of injunction restraining the petitioner to carry on with his construction activities. The counter petitioners in the case in Crime No.766 of 2020 are his relatives, who are causing obstruction without any reason, which is improper.

7. In view of the above facts and circumstances, the 2nd respondent police is directed to give protection to the Petitioner to carry the construction activities unless there is no order against him from any Civil Court.

8. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar



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1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Attaiyamaptti Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.14640 of 2021

NRL (CO)
SB (31/08/2021)