

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.20841 OF 2020

P.Nachiappan

... Petitioner

Vs.

1. The Commissioner of Police,
Egmore, Chennai.
2. The Deputy Commissioner of Police,
T.Nagar, Chennai 600 017.
3. The Inspector of Police,
Mambalam Police Station,
Chennai-17.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to provide police protection to the petitioner and his family members residing at New No.29, Old No.12, Mahalakshmi Street, T.Nagar, Chennai 600 017, as per his complaints dated 26.10.2020, 30.10.2020 and subsequent dates.

For Petitioner : Mr.R.Thiagarajan

For R1 to R3 : Mr.M.Mohamed Riyaz
Addl.Public Prosecutor

O R D E R

This petition has been filed seeking for police protection to the petitioner and his family members pursuant to the complaint given by the petitioner on 18.12.2020.

2. The case of the petitioner is that he is an auction purchaser of a property situate at Kodaikkanal, pursuant to the auction conducted by UCO Bank, T.Nagar, through proceedings initiated under the RDDBFI Act. The further case of the petitioner is that a sale certificate was also executed in favour of the petitioner on 3.1.2019 and the possession has also been taken by the petitioner.

3. The grievance of the petitioner is that he is residing at T.Nagar, Chennai and the borrower, whose property was brought for auction sale, along with his henchmen has been threatening the petitioner and his family members with dire consequences. Left with no other alternative, the petitioner gave a complaint to the respondents. Since no action was taken on the complaint, the present Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.R.Thiagarajan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Addl. Public Prosecutor for the respondents.

5. The petitioner is an auction purchaser, in whose favour a sale certificate has been executed by the UCO Bank on 3.1.2019 and the petitioner has thereby become the absolute owner of the property that was brought for auction. It is further seen from records that the borrower had challenged the proceedings at every stage and all those petitions came to be dismissed. It is mentioned in the petition that the petitioner had also taken physical possession of the property that was purchased by him in the auction sale.

6. The petitioner has been receiving threats from the borrower whose property was brought for auction and certain photographs have also been filed in the typed set of papers in order to substantiate the same. The petitioner has also given a complaint to the respondents. In view of the same, there shall be a direction to the 3rd respondent to call the parties for an enquiry and give specific instructions to the borrower and his men not to cause any threat to the petitioner and his family members and if at all he has any grievance, he may work out the same in the manner known to law. If inspite of the instructions, any threat is exerted on the petitioner and his family members, the 3rd respondent shall take action in accordance with law and if necessary, also provide police protection to the petitioner. This process shall be completed by the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order.

7. This Criminal Original Petition is disposed with the above directions.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Commissioner of Police,
Egmore, Chennai.
2. The Deputy Commissioner of Police,
T.Nagar, Chennai 600 017.
3. The Inspector of Police,
Mambalam Police Station,
Chennai-17.
4. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.R.Thiagarajan, Advocate, S.R.No.584

Crl.O.P.No.20841 of 2020

SR II (CO)
CS/08/01/2021