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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23020 OF 2021

N.Madheswarn
S/o, Natesan

... petitioner

Versus

1. The Superintendent of Police,
Namakkal District,
Namakkal.
2. The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.
3. M/s.Aditya Birla Finance Limited,
Rep by its Manager,
Having its Branch office at
258/4, 3rd Floor,
Sri Vaari Shopping Mall,
New Bus Stand Road,
Meiyyanur,
Salem District - 636 004.
4. ICICI Bank Limited,
Rep by its Manager,
Having its Branch Office at
37/D, Sri Krishna Complex,
Salem Main Road,
Edapadi,
Salem District - 637 101.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents to give police protection to the life and limb of the petitioner and his property by considering the petitioner's complaint dated 26.10.2021.



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For Petitioner : Mr.M.Guruprasad

For R1 & R2 : Mr.E.Raj Thilak
Additional Public Prosecutor

JUDGMENT

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents to give police protection to the life and limb of the petitioner and his property by considering the petitioner's complaint dated 26.10.2021.

2. The grievance of the petitioner is that he had taken loan from the respondents 3 and 4 /financial company, based on property security. As there had been default in loan payment, respondents 3 and 4 are taking law into their own hands by engaging local goons and trespassed into the petitioner's property and placed a display board in his property informing property belong to them without following any procedure. Thereafter, the petitioner made a representation to the first and second respondents to take action against respondents 3 and 4. Though the petitioner has given complaint on 26.10.2021, no action has been taken by the respondent police. Hence the petition.

3. Learned Additional Public Prosecutor appearing for the official respondents would submit that the petitioner's complaint was forwarded by the Superintendent of Police, Namakkal to the second respondent police in C.No.116 of 2021 on 16.11.2021. The petitioner as well as the respondents 3 and 4 were called for enquiry. Respondents 3 and 4 agreed to give undertaking that they will not trespass into the petitioner's property and the display board in the petitioner's property would be removed. Further, the respondents 3 and 4 gave an undertaking that as against the default in payment of the loan amount, proceedings under the SARFAESI Act will be initiated. In the event of respondent 3 and 4 not removing the notice board, the same to be removed by the petitioner. The notice board placed is without any sanction of law.

4. Recording the same, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mfa



To

1. The Superintendent of Police,
Namakkal District,
Namakkal.
2. The Inspector of Police,
Tiruchengode Town Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.65910

CRL.O.P.No.23020 of 2021

SRA (CO)
PM/28/12/2021