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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25154 of 2021

P. Baskar

... Petitioner

Versus

State Rep. By

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2. Special Sub- Inspector,
Dharmapuri.

3. P. Annadurai

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to direct the respondents to take necessary action against the 3rd respondent and provide adequate police protection to the employees for 1) Pothys Textiles at Dharmapuri Bus Stand 2) Adhiyan Hotel at Weavers Colony 3) Shops opposite to Dharmapuri Senthil Department Store 4) Vanilla Cold Storage at A.Jettihalli and New Vanilla Cold Storage at A.Jettihalli and the premises of the same in pursuant to the complaint dated 16.11.2021.

For Petitioner : Mr.N.R. Elango
Senior Counsel
for Mr.Aswin Prasanna A.S.

For Respondent : Mr.E.Raj Thilak
Nos.1 & 2 Additional Public Prosecutor

ORDER

This criminal original petition has been filed to direct the respondents to take necessary action against the 3rd respondent and provide adequate police protection to the employees for 1) Pothys Textiles at Dharmapuri Bus Stand 2) Adhiyan Hotel at Weavers Colony 3) Shops opposite to Dharmapuri



Senthil Department Store 4) Vanilla Cold Storage at A.Jettihalli and New Vanilla Cold Storage at A.Jettihalli and the premises of the same in pursuant to the complaint dated 16.11.2021.

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2.The petitioner, who owns several properties including commercial properties in Dharmapuri, had appointed his brother on 19.07.2004 as his power agent to look after his properties. Thereafter, there was some misunderstanding, the power of attorney deed was cancelled on 16.03.2020. The petitioner's brother, despite aware of the cancellation of the power of attorney, executed certain documents, against which, civil suits have been filed in O.S.Nos.105 of 2020 and 110 of 2020 and against these suits, Civil Revision Petitions were filed before this Court. This Court by a common order dated 30.12.2020 passed a detailed and an elaborated order rejecting the plaint, against which, the petitioner's brother approached the Apex Court in SLP.Nos.2037 to 2041 of 2021. The Apex Court by an order dated 09.02.2021 rejected the SLPs, confirming the order of this Court. Though in the Court proceedings, the petitioner's right and enjoyment were confirmed, his brother alone knows about the accounts and other details of the petitioner's property. This being the case, the petitioner's brother Annadurai with the connivance of the police and others are attempting to give disturbance to the petitioner and his tenants. The respondent police, despite assigning CSR.No.838 of 2021, no proper action has been taken. Hence, the above petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 submits that the petitioner and the 3rd respondent would be called for enquiry.

4. In view of the same, the petitioner is directed to appear before the Inspector of Police, Dharmapuri Police Station, Dharmapuri District, along with the necessary documents. Thereafter, the counter complainant P.Annadurai would also be summoned for enquiry, thereafter, an appropriate action would be taken including providing protection to the petitioner and his properties. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sms



To

1. The Superintendent of Police,
Dharmapuri District, Dharmapuri.
2. The Special Sub- Inspector,
Dharmapuri.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.25154 of 2021

SSI (CO)
SU(11/01/2022)