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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.25544 of 2021

Dr.G.Loganathan

...Petitioner

Versus

1.The Commissioner of Police,
Salem City,
Salem.

2.The Assistant Commissioner of Police,
Hasthampati Range,
Salem City,
Salem - 636 007.

3.The Inspector of Police,
Fairlands Police Station,
Salem City,
Salem.

4.K.Raja

5.G.Sunandha

6.R.Govindh

7.Manikandan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Nos.1 to 3 not to harass the petitioner, his family members or the staff of GL Hospital operating at No.15, Sathya Narayana Street, Swarnapuri, Salem-636 004 in the guise of enquiry.

For Petitioner : Ms.Sudha Ramalingam

For R1 to R3 : Mr.E.Raj Thilak
Additional Public Prosecutor



O R D E R

This Criminal Original Petition has been filed to direct the respondent Nos.1 to 3 not to harass the petitioner, his family members or the staff of GL Hospital operating at No.15, Sathya Narayana Street, Swarnapuri, Salem - 636 004 in the guise of enquiry.

2.The grievance of the petitioner is that the petitioner is a Doctor, running a Hospital in the name of GL Hospital, operating at No.15, Sathya Narayana Street, Swarnapuri, Salem, in a prime locality. There is a dispute between the land owner and the tenant, for which the land owner had employed the muscle men to evict the petitioner from the premise. The strange persons are getting into the hospital and threatening the inmates and the patients. They do this act in the professional manner, while they are entering the hospital they removed the CCTV cameras. The respondent police seems to be in complacence with the land owner and the petitioner being a Doctor is now not only fearing for his life and he is also fearing for the life of his patients.

3.The learned Additional Public Prosecutor submits that the petitioner is running a hospital at the property in dispute. The fourth and fifth respondent are the present land owners of the property. Earlier the petitioner was in lease under the sixth respondent. The petitioner, who is running the hospital in the said property is known to the fourth and fifth respondents and they had purchased the property with certain condition. Now they wants to chase away the petitioner from the premise and also vacate the hospital by force. After the fourth respondent had purchased the property, the fourth respondent visited the property and enhanced the rental amount and the rents were paid by the petitioner regularly.

4.He further submits that it is a dispute between the land owner and the tenant. The fourth respondent had purchased the property from the sixth respondent and now he wanted to evict the petitioner from the property. On the complaint of the petitioner C.S.R.No.121 of 2021 assigned on 18.02.2021, both the parties were called for enquiry and they appeared before the respondent police for enquiry on the same day i.e. on 18.02.2021 and the petitioner herein gave an undertaking that they would resolve the issue between themselves. In view of the same, enquiry has been completed and the case in C.S.R.No.121 of 2021 has been closed on 19.02.2021, as "Further Action Dropped".



5.The learned counsel appearing for the petitioner submits that the Further Action Dropped report was not served to the petitioner.

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6.Considering the submissions and on perusal of the materials, the second respondent is directed to conduct a fresh enquiry on the complaint of the petitioner and also directed the second respondent to revisit the C.S.R.No.121 of 2021 and pass appropriate orders.

7.With the above direction, this Criminal Original Petition stands disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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Salem.

2.The Assistant Commissioner of Police,
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Salem City,
Salem - 636 007.

3.The Inspector of Police,
Fairlands Police Station,
Salem City,
Salem.

4.The Public Prosecutor,
High Court,
Madras.

+3 Ccs to Ms.Sudha Ramalingam, Advocate sr 69652.

CRL.O.P.No.25544 of 2021

SP(23/12/2021)