



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVA**

WEB COPY

Crl.O.P.(MD)No.5829 of 2021

Nesakumar

... Petitioner

Vs.

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

2. The Inspector of Police,
Fort Police Station,
Fort,
Thiruchirappalli District.

3. Sivakumar

4. Shehana Begum

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent give necessary Police protection to the petitioner and his RTC hotel, situated at Door No.9, Nanthikovil Street, Theppakulam, Thiruchirappalli, Thiruchirappalli District and consider with due process of law based on the complaint of the petitioner, dated 30.03.2021.

For Petitioner : Mr.T.P.Balasubramanian

For Respondents 1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

The petition is filed seeking a Police protection based upon the complaint dated 30.03.2021.

2. The case of the petitioner, he is running a Hotel in the name and style of RTC Hotel at Door No.9, Nanthikovil Street, Theppakulam, Thiruchirappalli, Thiruchirappalli District. The petitioner and his partner Sasidharan are the only owners of the RTC Hotel. One of the partner Sasidharan has gone to Srilanka for business purpose. The petitioner only maintains the hotel. In the situation, the petitioner rented the Hotel to one Velayutham at Rs.1,200/- per day. As Velayutham could not maintain the hotel during the period of Covid-19, he arranged the 3rd respondent to maintain and supervise the hotel for salary until 15.01.2021. Between Sasidharan and petitioner a dispute arose. Therefore,

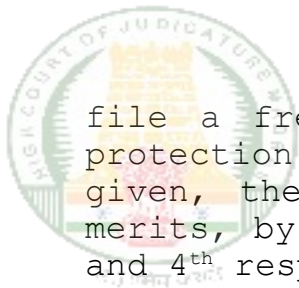


Sasidaran wanted to return the shop and informed to vacate the hotel. The petitioner approached Velayutham to vacate the Hotel. The said Velayutham assured within 3 months to handover the hotel as of 21.03.2021 and he and the third respondent also given a written statement to the petitioner. At present, the Velayutham had handed over the key to the petitioner on 21.03.2021 at evening 7.00 P.M. In the circumstances, after two days, the petitioner went to hotel building for cleaning and maintenance purpose, at the time of 7.30 on 24.03.2021. At that time, the third and fourth respondent entered and trespassed the hotel premises without the consent of the petitioner and Velayutham. At the same time, they have broken the hotel door lock and theft the amount of Rs.1,72,000/-, that was kept in the Hotel. The petitioner was shocked. Forthwith the petitioner informed to the 2nd respondent. After receiving the information, they did not take any action with due process of law against the 3rd and 4th respondent. Under the said circumstances, the third and fourth respondents have fabricated so many records, against the petitioner. The petitioner lodged a complaint through online. As per the complaint, the second respondent did not take any suitable steps in favour of the petitioner. Subsequently, the petitioner has given a further representation to the first and second respondents through post. As per representation, the second respondent has conducted an enquiry and registered a case in CSR No.190 of 2021 on 30.03.2021. But the second respondent did not come forward to take any suitable action against the third and fourth respondents. They used that opportunity and manipulated some records and subsequently got registered the hotel, in their favour by suppressing the truth and facts. Under the said circumstances, he made a complaint before the second respondent police in person, on 30.03.2021 seeking police protection to him and his hotel and after receiving the same, the second respondent did not come forward to take action on the same. The respondents 3 and 4 were continuously harassing and threatening the petitioner. Under the said situation, the petitioner made yet another complaint before the respondents 1 and 2 in person and even after receiving the same, both of them have not come forward to take any action against the 3rd and 4th respondents due to create a civil dispute against the petitioner with focused document. Hence, this petition is filed.

3. According to the learned Public Prosecutor, based upon the complaint given by the petitioner a case has been registered in C.S.R.No.190 of 2021 on the file of second respondent, the same is pending and the matter is purely civil in nature.

4. According to the learned counsel for the petitioner, he seeks Police protection, but the same was not provided. Reading of the complaint shows that the same was given only for the purpose of taking action against the third and 4th respondents herein.

5. Therefore, the same cannot be considered as a representation for police protection. So the petitioner is at liberty to



file a fresh representation making out a case for giving Police protection and necessity for the same. If such representation is given, the respondent shall consider the same and pass orders on merits, by conducting proper enquiry with the petitioner and the 3rd and 4th respondents.

6. With these directions, this Criminal Original Petition stands disposed of. The second respondent is directed to conclude the C.S.R.No.190 of 2021 within a short time.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Police,
Thirchirappalli City,
Thirchirappalli.
2. The Inspector of Police,
Fort Police Station,
Fort,
Thirchirappalli District.

Crl.O.P. (MD)No.5829 of 2021
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