



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

CORAM :

WEB COPY

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.OP.(MD)No.9363 of 2019

1.Margacious
2.Eliezer

... Petitioners

Vs.

1.The Superintendent of Police,
Thoothukudi District, Thoothukudi

2.The Inspector of Police,
Nazereth Police Station,
Nazereth, Thoothukudi District.

3.Rt.Rev.SEC.Deva Sahayaraj,
The Bishop,
Thoothukudi Nazerathi Diocese,
Beach Road, Thoothukudi

4.S.D.K.Rajan
Lay Secretary
Thoothukudi Nazerathi Diocese,
Beach Road, Thoothukudi

5.Rev.JS.Devaraj Gnanasingh
Vice Chairman,
Thoothukudi Nazerathi Diocese,
Beach Road, Thoothukudi

6.Rev.P.Moses Jebaraj,
Clerical Secretary,
Thoothukudi Nazerathi Diocese,
Beach Road, Thoothukudi

7.Rev.S.Edwin Jebaraj
Nazereth Pastorate Chairman
Thoothukudi Nazerathi Diocese,
Thoothukudi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 2 to give adequate Police Protection for the life and limb of the petitioners and further direct the respondents 1 and 2 to take appropriate action against the respondents 3 to 7 for illegally



forming LCF by forging document for misappropriation of the Church fund.

For Petitioners : Mr.C.Susuikumar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R1 and R2

Mr.J.Kingsly Solomon for R3 to R5

ORDER

This petition is filed seeking police protection to the life and limb of the petitioners and also to direct the respondents 1 and 2 to take appropriate action against the respondents 3 to 7.

2. The case of the petitioners is that the Executive Committee of the CSI Thoothukudi - Nazereth Diocese consists of one Secretary from layman category, one Secretary from clergyman category, one Treasurer, one Vice Chairman, two members from the Pastorate workers category and one member from the School category. The first petitioner is the Treasurer and the second petitioner is the Secretary. According to the petitioners they are duly elected Office Bearers and assumed office on 30.06.2018 and their tenure will expire only on 30.06.2022. When they were performing the duties of the above said Committee, the private respondents made a threat and tried to disrupt the functioning of the Committee. It is also the case of the petitioners that the fifth respondent has created a forged document for the properties of the Diocese also attempted to sell them illegally by making misrepresentation. On that basis, complaint has been given. It is also stated that on 22.06.2019, the fifth respondent along with other persons attempted to conduct an election for the LCF Committee against the Rules. When that was objected, the petitioners were abused in filthy language and assaulted. Further, it is the petitioners' case that the private respondents are making life threat. On that basis, they gave a representation, which was not considered. Hence, the petition.

3. The learned counsel for the private respondents would submit that absolutely there is no question of life threat and one of them settled in Dubai and new Office Bearers assumed charge in pursuance of the election conducted on 22.06.2019. The petitioners are not the competent persons to make any such complaint.

4. The learned Government Advocate would submit that based upon the representation made by the Advocate on behalf of the fifth respondent herein, police protection was arranged for the purpose of ensuring that a peaceful election is conducted in the Church. Further, based upon the complaint given by these petitioners, an investigation was undertaken in CSR.No.197/2019 against the private



respondents and others. A counter complaint has also been given by the fifth respondent herein, stating that when the election was underway, the counter party snatched away the roll call papers, etc, over which also, enquiry was undertaken in CSR.No.198/2019. On the basis of the complaint and counter complaint, enquiry has been undertaken and inspite of summons, both the parties did not appear. When the Police team went to the Church to give police protection, finding that it is an internal issue, they did not enter into the premises. Hence, as to what happened within the Church premises was not known to the Police team. The report submitted by the Inspector of Police, Nazareth Police Station, Thoothukudi District is also placed on record.

5. From the above said facts and circumstances, it is seen that because of the election dispute between the members of the Diocese, trouble has arisen, in respect of which, complaint and counter complaint were given. Since both the parties did not co-operate for the Police to complete the enquiry, granting police protection does not arise. Similarly, in respect of other issues with regard to forgery of documents, etc, if the petitioners think no proper action has been taken by the second respondent Police, they are at liberty to work out their remedy through appropriate proceedings. Hence, giving a direction to the Police to take appropriate action in this issue is also not proper and possible now. From the facts and circumstances, absolutely there is no question of life threat to the petitioners.

6. With the above said liberty, I find absolutely no merit in this case. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Thoothukudi District, Thoothukudi
- 2.The Inspector of Police,
Nazereth Police Station,
Nazereth, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.9363 of 2019
02.12.2021

SJ(CO)
TR(22.12.2021) 4P 4C