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Crl.O.P.Nos.18637 & 34392 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.07.2022

CORAM:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.18637 & 34392 of 2019

Crl.O.P.No.18637 of 2019

1. D.Thangaraju

2. K.Vaithiyanathan

3. N.S.Ramanathan

4. Dr.M.Panneerselvam

... Petitioners

Vs.

1. The Superintendent of Police,
O/o The Superintendent of Police,
Cuddalore District 607 001.

2. The Inspector of Police,
Mangalampettai Police Station,
Vridhachalam Taluk,
Cuddalore District.

3. N.Elavarasan

4. E.Chandravadivu

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5. E.Senthil Anand

6. S.Divya

[Respondents 3 to 6 are impleaded
as per order dated 24.07.2019 in
Crl.M.P.No.10034 of 2019]

... Respondents

Crl.O.P.No.34392 of 2019

N.S.Ramanathan

... Petitioner

Vs.

1. The Superintendent of Police,
O/o The Superintendent of Police,
Cuddalore District.

2. The Inspector of Police,
Mangalampettai Police Station,
Vridhachalam Taluk,
Cuddalore District.

.... Respondents

Prayer in Crl.O.P.No.18637 of 2019 :

Criminal Original Petition filed under Section 482 of Cr.P.C., to
direct the respondents herein to provide necessary Police protection and to
take appropriate action on the basis of the compliant dated 06.07.2019
lodged by the first petitioner herein.



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Prayer in Crl.O.P.No.34392 of 2019 :

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Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to provide adequate Police protection to the petitioner to administer the charitable School institution in a peaceful manner as the Principal of the School and basis of the petitioner's complaint dated 16.12.2019 which is entered as C.S.R.No.495 of 2019 on the file of the second respondent.

For Petitioner	: No appearance in Crl.O.P.No.18637 of 2019
For Petitioner	: Mr.K.Prem Anand in Crl.O.P.No. 34392 of 2019
For R1 & R2	: Mr.N.S.Suganthan Government Advocate (Crl.Side) in both the Crl.O.Ps
For R3 to R5	: Mr.S.Subramanian in Crl.O.P.No.18637 of 2019



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COMMON ORDER

These two Criminal Original Petitions have been filed, seeking Police protection, in connection with the dispute among the Trustees of Senthil Education Trust which runs Matriculation School.

2. Crl.O.P.No.18637 of 2019 is filed by Thangaraju and others, seeking Police protection alleging that the team led by Dr.Elavarasan is trying take over the management of the Trust by forcibly entering into the School campus. In this connection, complaint dated 06.07.2019 was given to the respondent Police and the Police registered the complaint in CSR.No.286 of 2019 and to protect the interest of the Trust and the Institution, Police protection is sought.

3. This Court, considering the averments made in the petition, vide order dated 15.07.2019, directed the respondent Police to ensure smooth functioning of the School without any disruption to the teachers and the students. Thereafter, the Principal of the School, by name N.S.Ramanathan



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has filed Crl.O.P.No.34392 of 2019, alleging that, on 16.12.2019 one Dr.N.Elavarasan and his henchmen, at about 8.30 am, intercepted him while proceeding to the School and questioned him about the complaint against him and his henchmen, regarding their trespass into the School premises on 10.12.2019 with dangerous weapon and threatened him and warned him that if he again give any complaint against them, they will finish him off and also try to pour/douse him with kerosene and burn him alive. Quoting this complaint which was registered in CSR.No.495 of 2019, the petitioner sought for Police protection and this case was tagged with earlier case filed by Thangaraju and three others including N.S.Ramananathan, who is the petitioner in Crl.O.P.No.34392 of 2019.

4. When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent Police submitted that the School is now administered by one Divya and peace prevails in the campus. Disputed Trustees have approached the Civil Court and the suit is pending.



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5. Learned counsel appearing for the respondents 3 to 5 in Crl.O.P.No.18637 of 2019 submitted that, using muscle power and political influence, the first petitioner and his men forcibly took possession and management of the School after filing these two petitions and in this connection, criminal complaint has already been lodged and the same is under investigation. As far as the right of the Trustees, the learned counsel submits that their civil right will be agitated before the competent court and as far as the allegations made in these petitions are concerned, the same are stoutly denied and it is contended that false allegations have been made in this petition to just get a Police aid and help to dis-possess the third respondent.

6. This Court, after considering the submissions made by the counsel for the petitioner and Additional Public Prosecutor appearing for the official respondents and the learned counsel representing the rival group, finds that there is no need to pass any order in these two Criminal Original Petitions, seeking Police protection. The parties have to establish their right before the competent Civil Court, which they had already initiated. In so far as the



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law and order is concerned, it is always the duty and responsibility of the respondent Police to act impartially and in accordance with law.

7. With the abovesaid observations, both the Criminal Original Petitions are disposed of.

12.07.2022

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Index:yes/No

Internet:yes/No

To

1. The Superintendent of Police,
O/o The Superintendent of Police,
Cuddalore District.
2. The Inspector of Police,
Mangalampettai Police Station,
Vridhachalam Taluk,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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