



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.20638 of 2021

Pon.Murugesan

... Petitioner

Vs.

1. The Inspector General of Police,
Central Zone, Trichy,
Trichy District.
2. The Commissioner of Police,
O/o.The Commissioner of Police,
Trichy District.
3. The Superintendent of Police,
O/o.The Superintendent of Police,
Trichy,
Trichy District.
4. The Superintendent of Police,
O/o.The Superintendent of Police,
Thanjavur,
Thanjavur District.
5. The Inspector of Police,
O/o.The Inspector of Police,
Thuvakudi police station,
Trichy District.
6. The District Collector,
Trichy District, Trichy.
(R-6 is suo motu impleaded
vide order dated 04.01.2022)

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the respondents to provide protection to the petitioner's life and limb by considering the petitioner's representation dated 08.12.2021.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

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ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

2. The petitioner is an Advocate practising in Trichy Courts. He belongs to Devendrakula Velalar community, a notified Scheduled Caste. The petitioner is running an organisation in the name and



style of Akila India Makkal Marumalarchi Kazhagam. It has been registered as a political party. The petitioner states that he is facing life threat. Therefore, he submitted a representation dated 08.12.2021 calling upon the respondents to provide him police protection. Since it was not acted upon, this criminal original petition came to be filed.

3. When the matter was taken up for hearing, I suo motu impleaded the District Collector, Trichy City, as sixth respondent. The petitioner has since submitted an application to the impleaded respondent seeking grant of arms license. The petitioner's counsel draws my attention to Rule 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995. The said Rule states that with a view to ensure the safety of person and property, if deemed necessary, the authority can provide arms licenses to the members of the Scheduled Castes and the Scheduled Tribes. Of course, this Rule cannot be mechanically invoked by anyone. However, the case of the petitioner stands on a different footing. The petitioner through his counsel gives an undertaking that if the arms license is to be issued to him, he would use it only for his protection and that he will not use it for any other purpose.

4. The duty of the State is to provide protection to the citizens. The petitioner has moved this court for directing the State to discharge the duty. In the alternative, the petitioner has stated that he would rather take care of himself, if he is given arms license. That is why, he moved the sixth respondent. He is relying on the statutory rule framed in this regard. The authorities will have to either ensure the physical safety of the petitioner or in the alternative, issue arms license to the petitioner. Therefore, the sixth respondent has to choose one of the two courses. Therefore the sixth respondent is directed to consider the petitioner's representation and take a decision on merits and in accordance with law by choosing one of the two courses of action mentioned above. Such a decision will be taken within a period of eight weeks from the date of receipt of a copy of this order. It is always open to the sixth respondent to take appropriate action and also stipulate appropriate conditions to ensure that the petitioner does not misuse the arms license given to him.

5. This criminal original petition is disposed of accordingly.

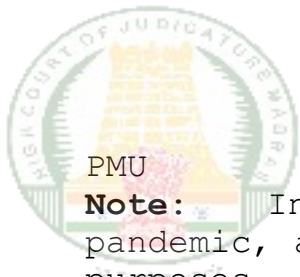
Sd/-

Deputy Registrar (CA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



PMU

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 Inspector General of Police,
Central Zone, Trichy, Trichy District.
2. The Commissioner of Police,
O/o.The Commissioner of Police,
Trichy District.
3. The Superintendent of Police,
O/o.The Superintendent of Police,
Trichy,
Trichy District.
4. The Superintendent of Police,
O/o.The Superintendent of Police,
Thanjavur,
Thanjavur District.
5. The Inspector of Police,
O/o.The Inspector of Police,
Thuvakudi police station,
Trichy District.
6. The District Collector,
Trichy District, Trichy.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD)No.20638 of 2021
24.01.2022

_SS/07.03.2022 : 3P/8C