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Crl.O.P.No.8330 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED:21.06.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.8330 of 2023**

M/s. Ponni Charitable Trust  
Rep. By its Secretary Mr.S.A. Senthil Kumar,  
having its Office at:  
Samalapuram, Palladam Taluk,  
Tirupur District.

... Petitioner

**Vs.**

1. The Superintendent of Police,  
Palladam Road, Near Collectorate,  
Behind LRV College,  
Tiruppur – 641 604.
2. The Deputy Superintendent of Police,  
Trichy Main Road,  
Near Palladam Police Station,  
Palladam, Tirupur – 641 664.
3. The Inspector of Police,  
Mangalam Police Station,  
Palladam Road, Mangalam,  
Tiruppur – 641 663.
4. R.Ramamoorthy
5. T.Chinnasamy
6. M.V.Thangannan
7. R.Sathyaraj

... Respondents



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**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 to 3 to provide police protection to the life and limb of the petitioner by considering the petitioner representation dated 03.04.2023.

|                |                                                                     |
|----------------|---------------------------------------------------------------------|
| For Petitioner | : Mr.B.Nedunzhelian                                                 |
| For R1 to R3   | : Mr. Leonard Arul Joseph Selvam<br>Government Advocate (Crl. Side) |
| For R4         | : Mr. S.Suresh                                                      |
| For R5         | : Mr.C.Iyyapparaj                                                   |
| For R6         | : Mr.K.Ponraj                                                       |

### **ORDER**

This Criminal Original Petition has been filed seeking direction to the respondents 1 to 3 to provide police protection to the life and limb of the petitioner by considering the petitioner representation dated 03.04.2023

2. It is the submission of the learned counsel for the petitioner that, petitioner is an elected secretary of M/s. Ponni Charitable Trust. He was elected as a Secretary in a Board of Trustees Meeting held on 19.03.2023. Prior to that, petitioner and the fourth respondent were elected as Secretary and President as per the decision taken by the Board of Directors on 27.12.2018 for two years. Thereafter, petitioner and 4<sup>th</sup> respondent joined in filing a suit in O.S.No.300 of



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2019 against M.Subramaniam and four others seeking relief of permanent injunctions. I.A.No.511, 512 & 513 of 2019 were filed for filed for interim relief.

Suit was filed on the file of the Principal District Judge, Tiruppur. The learned trial Judge after considering the material produced, allowed the interlocutory application giving protection to the petitioners to run the M/s. Literacy Mission Matriculation Higher Secondary School. Thereafter, the period got over by 2021 and the then President/4<sup>th</sup> respondent has not convened the Board of Directors for conducting election. Petitioner filed suit in O.S.No.741 of 2022 on the file of the II Additional District Judge, Tiruppur seeking prayer for direction to the Board of Directors to conduct the election to elect the President, Vice-President, Treasurer, Secretary, Executive Members among the Board of Directors. When the suit was pending, withdrawal memo was filed by the petitioner stating that, in an urgent meeting of the 1<sup>st</sup> defendant in O.S.No.741 of 2022 held on 19.03.2023, the office bearers were elected. It appears that, defendants in O.S.No.741 of 2022 objected the meeting conducted on 19.03.2023 as illegal. However, the learned Judge permitted the withdrawal and dismissed the suit with the cost of the defendants. He further submitted that, as per the meeting held on 19.03.2023, petitioner is Secretary of the M/s. Ponni Charitable Trust and he is the the person responsible for conducting affairs of the Trust. The



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fourth respondent suppressing these facts, filed Crl.O.P.No.6669 of 2023 and obtained orders of police protection. Police protection should have been granted in favour of the petitioner, not in favour of the 4<sup>th</sup> respondent. Therefore, present petition is filed.

3. The learned counsel for the 4<sup>th</sup> respondent submitted that, injunction order in O.S.No.300 of 2019, was not only granted in favour of the petitioner, but also in favour of the 4<sup>th</sup> respondent and two others. Injunction order is not vacated so far. This Court in Crl.O.P.No.6669 of 2023 considered all the aspects and granted police protection in favour of the 4<sup>th</sup> respondent, taking note of the interest of the school students.

4. The learned counsel appearing for the 5<sup>th</sup> respondent submitted that, in the representation dated 03.04.2023, it was wrongly mentioned that Crl.O.P.No.6669 of 2023 was dismissed when positive direction was given to consider the petition for police protection. He further submitted that, as per the Trust Deeds, the Board of Trustees namely eleven trustees mentioned in the Trust Deed are permanent Trustees to the life time. In a case of demise of any Trustees or on the occasion of any Trustee becoming incapable of acting as such



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or refusing to do so or neglecting to attend to such administration as aforesaid, the other Trustees have full power to appoint any person as a Trustee of the Trust in consultation with the settler if living, and in other cases with the consultation of the family members of the Trustee. Out the eleven permanent trustees, four of them are dead and remaining seven of them are alive and continue to act as Trustees. As per the Clause 4(b) with regard to conduct of meetings of Board of Trustees, it is only the Chairman of Board of Trustees, who has to convene a meeting. Therefore, the meeting alleged to have been convened by the petitioner as Secretary and claiming that, he and others were elected as office bearers is not legal and it is not in tune with the terms of trust deed.

5. Challenging the meeting held on 19.03.2023 and to declare the meeting as illegal and null and void, 4<sup>th</sup> respondent and others filed suit in O.S.No.290 of 2023 on the file of the Principal District Judge, Tiruppur against the petitioner and six others. When there are civil litigations in O.S.No.300 of 2019 and O.S.No.290 of 2013 are pending, touching upon the administration and management of M/s. Ponni Charitable Trust, it is submitted that petitioner's claim for police protection cannot be entertained, especially when there was already order of police protection passed in favour of the 4<sup>th</sup> respondent in



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6. Considered the rival submissions and perused the records. In view of the facts elaborated above, this Court is of the view that, atleast there are two suit in O.S.No.380 of 2019 and O.S.No.290 of 2023 are pending before the civil Courts. The suit in O.S.No.290 of 2023 is filed challenging the meeting held on 19.03.2023 and election of the petitioners and others as office bearers of trustees.

7. Thus, this Court is of the view that, only the Court in which O.S.No.238 of 2023 is pending can alone adjudicate the dispute. Therefore, the prayer sought for in this petition seeking police protection to the life and limb of the petitioner by considering the petitioner's representation dated 03.04.2023 cannot be considered.

8. Accordingly, this Criminal Original Petition is dismissed.

**21.06.2023**

*sma*

To,



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1. The Superintendent of Police,  
Palladam Road, Near Collectorate,  
Behind LRV College,  
Tiruppur – 641 604.
2. The Deputy Superintendent of Police,  
Trichy Main Road,  
Near Palladam Police Station,  
Palladam, Tirupur – 641 664.
3. The Inspector of Police,  
Mangalam Police Station,  
Palladam Road, Mangalam,  
Tiruppur – 641 663.
4. The Public Prosecutor,  
High Court of Madras.



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**G.CHANDRASEKHARAN,J.**

*sma*

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