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Crl.O.P.No.8326 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8326 of 2023

V.S.Ravichandran

... Petitioner

Vs.

1.The Superintendent of Police,
Erode
Erode District.

2.The Inspector of Police,
Modakurichi Police Station,
Erode District.

3.Venkatachalam

4.Suryamurthy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 2nd respondent to provide Police protection based on the petitioner's complaint dated 03.04.2023 to the 1st respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
(For R1 and R2)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to provide Police protection based on the petitioner's complaint dated 03.04.2023 to the 1st respondent Police.

2.The learned counsel for the petitioner submitted that petitioner engaged third respondent for construction of the school building namely Billa Bank High International School. When the construction was in midway, third respondent insisted payment of additional crores of rupees than what was agreed. Then, the petitioner filed O.S.No.84 of 2022 against the third respondent seeking the prayer for permanent injunction not to interfere with the possession and enjoyment of the school building and the suit is pending. Meanwhile, on 31.03.2023, fourth respondent, at the instigation of the third respondent entered into the school premises along with thirty. Fourth respondent made threat and disturbed the functioning of the school. Fourth respondent threatened the petitioner to pay the amount due to the third respondent, else, he would not permit the school to run smoothly and that, school building would be destroyed like Shakthi School, Kaniyamur, was destroyed.



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3.It is further submitted that respondents 3 and 4 are threatening the school children and teachers and disturbing the smooth functioning of the school and thus, this petition is filed for Police protection.

4.The learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by petitioner, petition enquiry is pending.

5.The third and fourth respondent submitted that third respondent had completed 90% of the construction of the school building, for which petitioner is liable to pay Rs.1.5 crore. However, petitioner failed to pay the amount. The allegations that respondents 3 and 4 attempted to disturb the smooth functioning of the petitioner's school is not correct.

6.Considered the rival submissions and perused the records.

7.It is seen from the submissions of learned counsel for the third and fourth respondents that the grievance against the petitioner is that petitioner has not paid sum of Rs.1.5 crore for construction of the school building. If that



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be the case, the remedy open to the third respondent is to file civil suit for recovery of money. Third respondent either individually or with the aid of fourth respondent cannot interfere with the smooth functioning of petitioner's school and make threat to the life and property of the petitioner. Therefore, this Court directs the respondents 1 and 2 to consider petitioner's representation dated 03.04.2023 and pass appropriate orders immediately, in the manner known to law.

7. With the above direction and observation, this Criminal Original Petition is allowed.

14.06.2023

Internet: Yes
Index: Yes/No
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- 1.The Superintendent of Police,
Erode
Erode District.
- 2.The Inspector of Police,
Modakurichi Police Station,
Erode District.
- 3.The Public Prosecutor
Madras High Court.



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G.CHANDRASEKHARAN, J.
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