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1 of 6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.8644 and 5994 of 2023
and Crl.MP No.20673 of 2023

Crl.OP.No.8644 of 2023

S.Velu
Son of Subramani

... Petitioner

vs.

1.The Superintendent of Police (Law & Order) East
Jawaharlal Nehru Street
Puducherry-605 001.

2.The Inspector of Police (Law and Order)
Grand Bazaar Police Station
Jawaharlal Nehru Street
Puducherry-605 001.

3.Karthik

4.Rajkumar

5.Vazhumuni

6.Paneer @ Swaminathan

7.Gopi @ Govindan

8.Sivanathan @ Ayyanar

9.Kumar @ Kaliyaperumal

..Respondents



PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to provide police protection to the petitioner and his family members and his property for carrying on fish merchant business at shop bearing gno.19, Goubert Fish Market, Puducherry, belongs to Puducherry Municipality, based on the complaints dated 18.01.2023, 17.3.2023 and 05.04.2023.

For Petitioner : Mr.S.Pushpakaran

For respondents : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)
for R1 & R2

CrI.OP.No.5994 of 2023

M.Narasimhan

Son of Munisamy

... Petitioner

vs.

1.The Senior Superintendent of Police (Law & Order)

Maraimalai Adigal Salai

Near New Bus Stand, Orleanpet,

Puducherry-605 001.

2.The Superintendent of Police (Law and Order) East

Jawaharlal Nehru Street

Puducherry-605 001.

3.The Inspector of Police (Law and Order)

Grand Bazaar Police Station

Jawaharlal Nehru Street, Puducherry-605 001.

4.Karthik

5.Rajkumar

6.Vazhumuni

7.Mariyappan

..Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 to 3 to give sufficient police protection to the petitioner and his property for carrying on his fish merchant business at shop bearing no.16, Gouberty Fish Market, Puducherry, belongs to Puducherry Municipality based on the complaints dated 29.08.2022 and 28.11.2022.

For Petitioner : Mr.S.Pushpakaran

For respondents : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)
for R1 to R3

COMMON ORDER

These Criminal Original Petitions have been filed seeking for police protection for the petitioner and his family members based on the complaints dated 29.08.2022, 28.11.2022, 18.01.2023, 17.3.2023 and 05.04.2023.

2.Heard Mr.S.Pushpakaran, learned counsel for the petitioner and Mr.K.S.Mohandoss, learned Public Prosecutor (Puducherry) appearing on behalf of the respondents.

3.This Court disposed of a connected writ petition in W.P.No.21262 of 2023, dated 19.07.2023. For proper appreciation, the relevant portion is



extracted hereunder:

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3.The learned Public Prospector (Puducherry) appearing on behalf of the respondents submitted that whenever the police went to the place to implement the order, there is strong resistance and hence, the order passed by the 1st respondent dated 27.09.2022 is not able to be implemented.

4.In the considered view of this Court, the 1st respondent has passed the order u/s 133 Cr.PC., after considering the entire facts and circumstances of the case. The 1st respondent has also taken note of the fact that the Government of Puducherry has identified a separate location and has built a Modern Hygienic Fish Market at Lawspet for doing fish trade and the same was not being put to use. Hence, the 1st respondent has issued necessary direction to ensure that the trade is carried out only in the fish market that has been identified.

5.When implementing this order, there is bound to be some resistance and that cannot be a ground for the respondent Police not to strictly implement the order passed by the 1st respondent.

6.In view of the above, there shall be a direction to the 4th respondent to ensure that the order passed by the 1st respondent dated 27.09.2022, is implemented. The implementation shall take place within a period of eight weeks from the date of receipt of copy of this order.

4.These criminal original petitions are disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

19.07.2023

Index : Yes/No

<https://www.mhctn.gov.in/judis>

Internet : Yes/No



5 of 6

Speaking Order/Non-Speaking Order
KP

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To

- 1.The Senior Superintendent of Police (Law & Order)
Maraimalai Adigal Salai
Near New Bus Stand, Orleanpet,
Puducherry-605 001.
- 2.The Superintendent of Police (Law and Order) East
Jawaharlal Nehru Street
Puducherry-605 001.
- 3.The Inspector of Police (Law and Order)
Grand Bazaar Police Station
Jawaharlal Nehru Street
Puducherry-605 001.
- 4.The Public Prosecutor
Puducherry.



WEB COPY



6 of 6

N. ANAND VENKATESH., J.

KP

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