



Crl.O.P.(MD) No.12745 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **22.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.12745 of 2023

K.Ramarao

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul, Dindigul District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kodaikanal, Dindigul District.
3. Krishnakumar,
The Sub Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to give adequate police protection for the petitioner for life and limb on the basis of the petitioner's representation dated 14.06.2023.

For Petitioner : Mr.M.A.M.Raja

For R1 & R2 : Mr.SS.Madhavan,
Government Advocate (Crl.Side)



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ORDER

This petition is filed seeking for a direction to the respondents 1 and 2 to give adequate police protection to the life and limb of the petitioner based on his representation dated 14.06.2023.

2.It is submitted by learned counsel for the petitioner that the petitioner has landed properties in Survey Nos.115/215, 1156/2, 1157/5, 1164/6, 1164/7 and 1164/8 at Kilaveri Village of Poondi Panchayat of Kodaikanal Taluk and that he has been cultivating them for the last ten years.

3.The petitioner has requested one Vijayakumar to cultivate the land in an extent of 3 ¼ acres in Survey Nos.1164/7 and 1164/8 in the month of October 2020 for a period of one crop consisting of four months. The said Vijayakumar though has vacated the land after four months, has requested the petitioner to permit him to cultivate one more crop of garlic pulp along with one Regu, accordingly, the petitioner has permitted him to cultivate for one more crop. Subsequently, the said Vijayakumar and one Regu have approached the petitioner and requested him to permit him to cultivate the land for one more crop.



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4. On 10.04.2023, when the petitioner was taking breakfast in a hotel, the said Vijayakumar, Regu and some members of illegal gang have harassed the petitioner to sign on 50 Rupees blank Stamp Paper. On which, the petitioner has lodged a complaint against the said Vijayakumar and Regu to the 3rd respondent Police. On 11.06.2023, the 3rd respondent Police have called the petitioner to the Police Station and threatened him to sign certain documents, as desired by Vijayakumar and Regu. The petitioner has sent a complaint to the Deputy Inspector General of Police and other senior police officials on 14.06.2023, on which, the Inspector of Police of the same Police Station has issued summons to the petitioner to appear before him for enquiry in respect of the complaint given by him against the 3rd respondent.

5. The learned counsel for the petitioner submitted that on the complaint given by the petitioner against one Krishnakumar, who is working in the same Police Station as Sub Inspector of Police, if the Circle Inspector of Police of the same police station is asked to conduct enquiry, during the course of enquiry, the 3rd respondent would again force him to sign the documents, as desired by Vijayakumar and Regu. Hence, sought for suitable directions.



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6.Learned Additional Public Prosecutor while denying the allegations mentioned in the petition, has submitted that if at all the 3rd respondent, Sub Inspector of Police has committed any error, action would be taken against him.

7.When the matter was listed on 17.07.2023, this Court directed the Superintendent of Police, Dindigul District, to make an enquiry in respect of the representation of the petitioner dated 14.06.2023 with a competent police officer of some other Police Station and also directed to consider giving protection to the petitioner.

8.When the matter was listed on 07.08.2023, the Deputy Superintendent of Police, Kodaikanal, has filed a status report. Though the Superintendent of Police, Dindigul District, was directed specifically to entrust the enquiry to any other police officer not connected with the Police Station of the 3rd respondent, the enquiry was entrusted to the 2nd respondent / Deputy Superintendent of Police, Kodaikanal, who is immediate superior of the 3rd respondent against whom the petitioner has filed the complaint.

9.The status report filed by the 2nd respondent / Deputy Superintendent of Police would go to show that on 10.04.2023, both the parties



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along with their respective Advocates participated in the mediation near a tea stall and executed unregistered agreement on 50 Rupees stamp paper, wherein the petitioner has agreed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) on or before 10.06.2023 to the loss of cultivation after deducting a sum of Rs.1,00,000/- (Rupees One Lakh Only). It is also mentioned in the report that no police officers were present at that time and that on 11.06.2023, Regu gave a complaint to the 3rd respondent Police against the petitioner, stating that the petitioner refused to pay the agreed amount, on which, the 3rd respondent called both the parties, wherein the petitioner gave an undertaking letter dated 11.06.2023 that he will hand over some other land to Regu and thereby, the Sub Inspector of Police has closed CSR No.385/2023 on the same day. It is also mentioned in the status report that the Sub Inspector of Police has not insisted the petitioner to give an undertaking letter as represented on 14.06.2023 and that the 3rd respondent was not involved and ultimately, reported that the allegations against the 3rd respondent Sub Inspector of Police are incorrect.

10.The 2nd respondent / Deputy Superintendent of Police of Kodaikanal has not enclosed any statements, if at all they are recorded. It is not clear as to how the 2nd respondent conducted enquiry and mentioned in the report that this Court had directed him to conduct enquiry.



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11.In view of the same and having not satisfied with the enquiry report, this Court directed the Inspector General of Police, South Zone, Madurai, to entrust the enquiry in respect of the representation of the petitioner dated 14.06.2023 to any of the senior police officer of some other district and submit a report to this Court and in the mean while, to consider for providing police protection to the petitioner if it is necessary. The Inspector General of Police is a Senior Officer of the Southern Tamil Nadu. This Court felt that if the issue is entrusted to him, he will identify suitable officers concerned to make an enquiry.

12.Pursuant to the same, today, when the matter is taken up for hearing, the Inspector General of Police, South Zone, Madurai, has filed a report stating that he has entrusted the issue to one Mr.M.Vivekanandan, Additional Superintendent of Police, Headquarters, Theni District to conduct an enquiry, who during the course of enquiry has enquired the petitioner, the 3rd respondent and 9 others and also perused 17 documents and found 9 discrepancies committed by the 3rd respondent. It is also mentioned in the status report that the Inspector General of Police, South Zone, Madurai, has directed the Additional Superintendent of Police, Theni District to take departmental action against the 3rd respondent. The report of the Inspector



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General of Police, South Zone, Madurai, is hereby accepted by recording appreciation for prompt, impartial and objective report.

13.The learned Government Advocate (Crl.Side) for the respondents 1 and 2 submitted that subsequent to this enquiry, the persons, who allegedly threatened the petitioner herein, were arrested and the Deputy Superintendent of Police concerned was directed to provide suitable protection to the petitioner and accordingly, patrol party is visiting the petitioner every day.

14.Considering the submissions made by both sides and satisfying with the report submitted by the learned Inspector General of Police, South Zone, Madurai and considering the fact that protection has been given to the petitioner, this Court is of the view that the cause does not survive in this petition anymore, accordingly, this Criminal Original Petition is closed.

22.09.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

Yuva



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DR.D.NAGARJUN. J.

Yuva

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul, Dindigul District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kodaikanal, Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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