



ContP..No.2001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.07.2024
PRONOUNCED ON : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cont.P.No.2001 of 2024
and
CRL O.P.No.11471 of 2021

S.Karhikeyan

... Petitioner / Petitioner

Vs.

1.Mr.Zial haque

The Deputy Inspector General of Police (DIG),
Thanjavu Range,
Old Collector Office Road,
Thanjavur – 613 001

2.Mr.Ashish Rawath

The Superintendent of Police,
Thanjavur District,
Thanjavur – 613 010

... Respondents / Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondents herein for having committed contempt by disobeying the order of this Court, dated 13.07.2021 passed in Crl.O.P.No.11471 of 2021.



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For Petitioner : Mr.R.John Sathiyam, SC
For M/s. Meiyappan Mohan

For Respondent : Mr.Hasan Mohammed Jinnah
Public Prosecutor

Assisted by
Vinoth Raja, Govt.Advocate
Mr.L.baskaran, Govt.Advocate

ORDER

Alleging disobedience of the order passed by this Court in Crl.O.P.No.11471 of 2021, dated 13.07.2021, the petitioner filed the present Contempt Application praying to punish the respondents for their willful disobedience.

2. Mr.R.John Sathiyam, the learned Senior Counsel appearing for the petitioner would submit that the Petitioner is the Managing Director of "Shri Narayani Nidhi Ltd.". The Petitioner's Company is registered under Section 406(1) of the Companies Act 2013. The Petitioner's Company has 55 branches in Tamil Nadu and the said Company is operating in Thiruvarur District and has a turnover of Rs.5000/- crores. Due to business enmity and rivalry, petitioner started receiving threatening calls in the year 2019 and there was a



demand for a ransom. Since the threatening calls were increasing, the petitioner lodged a complaint before the Deputy Inspector General of Police, Thanjavur, which was taken on file in CSR.No.06 of 2019. On preliminary enquiry, it was found true, an FIR registered in Crime No.134 of 2019. Since threatening calls continuing, petitioner apprehended life threat. Hence, petitioner filed Crl.O.P.No.17790 of 2019 before this Court, seeking to grant Personal Security at the cost of the petitioner. The said petition was allowed as prayed for.

3. The learned Senior Counsel would further submit that pursuant to the direction of this Court, dated 19.08.2019, the petitioner was provided with Personal Security at his cost by the Superintendent of Police, Thiruvarur.. During Covid period, the petitioner was operating his business from Thanjavur District, which come under the Respondents. Hence, the petitioner filed Crl.O.P.No.11471 of 2021 for changing the jurisdiction from the Superintendent of Police, Thiruvarur to the Superintendent of Police, Thanjavur District. Pursuant to the direction of this Court, the petitioner provided with the Private Security at his cost. In these circumstances, on 01.06.2024, the respondents withdrawn the private guard protection without any notice or intimation to the



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Petitioner. Despite the order of this Court, dated 13.07.2021 Crl.O.P. No.11471 of 2021, the respondents withdrawn the protection, which is arbitrary and highly condemnable. Due to the withdrawal of the private guard protection, the Petitioner is at high risk. From the above facts it is clear that the respondents failed to comply the Order dated 13.07.2021. All the actions and inaction of the Respondents shows the wilful disobedience to order of this Court, which attracts the provisions under the Contempt of Courts Act.

4. Mr.Hasan Mohammed Jinnah, the learned Public Prosecutor would submit that pursuant to the direction of this Court in Crl.O.P.No.17790 of 2019, dated 19.08.2019 and Crl.O.P.No.11471 of 2021, dated 13.07.2021, the petitioner given Armed Police Protection for almost five years. Armed Police protection to a private person is a rarest of rare case and only an interim measure and the threat perception should be reviewed periodically and appropriate action would be taken considering the nature of the threat. Hence, Security Audit conducted for assessing the threat perception for all private persons, who provided with Armed Protection, including the petitioner in the month of May, 2024.



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5. The learned Public Prosecutor further submitted that on perusing the case diaries of Crime No.134 of 2019, the petitioner mentioned History Sheeter Rowdy Lalimanikandan of Thiruvidadaimaruthur Police Station was referred in the threatening call. During that period, the History Sheeter Rowdy Lalimanikandan was in judicial custody in another case in Crime No 83/2019 in Natchiyarkovil PS. While he was in judicial custody, he was convicted in S.C.No.254/2014 in Crime Number No.236/13 of Thiruvidadaimaruthur Police Station for the offence under Section 302 IPC., which confirmed by the Hon'ble Supreme Court. At present, he is a convicted prisoner and serving his prison term in Central Prison, Salem. Further, the Threat Assessment Reports received from Deputy Superintendent of Police, Thiruvidadaimaruthur, Inspector of Police, Natchiyarkovil and Inspector of Police, Special Branch (Intelligence) categorically would reveal that there is no imminent threat to petitioner from History Sheeter rowdy Lalimanikandan or any other bad characters. In view of the aforesaid reports, there is no reason for continuing with the interim security provided to the petitioner and hence, a decision has been taken by the 2nd respondent that not to extend security to the petitioner from 01.06.2024.



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6. The learned Public Prosecutor further submitted that threat which the petitioner received in the year 2019 assessed and found to be inactive and it is no more real. Hence, it is clear that the petitioner's demand for personal security is merely for the status symbol to flaunt his security cover being VIP in the Society and to his business. There are many individuals and owners of chit funds, banking and non-banking financial institutions and business establishments with huge net work, who are residing in Thanjavur District. They all are doing their business freely without any threat or intimidation. Many retired judges, MPs and MLAs are also residing peacefully in the Thanjavur District, without any threat or fear. The permanent Armed Guard to the petitioner is sending a wrong message to common public. In rural areas, the public may perceive that, since the petitioner is having armed police protection, it may legitimize his Chit Fund business. The perception of having State Protection through Personal Security Officer gives public false belief regarding genuineness and legitimacy of the Chit Fund and in future, in case of any issue in the Chit Fund Company, the Public will blame the administration of conflict of interest of not taking action against the owner of the Chit Fund, since he was protected by the state itself.



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7. It is further submitted that even though, the petitioner is ready to provide cost for police protection, still he is not eligible for permanent police protection, since there is no imminent threat. Further, considering the shortage of strength of the Police personnel in Thanjavur District, the Department cannot afford to have armed PSOs round the clock to the petitioner. Further, the petitioner was informed in the December, 2023 itself that his PSO cover is being reviewed and may be withdrawn at any time.. Accordingly, on 19.12.2023 it was renewed for only 3 months i.e. till March and then in light of the General Election again for 3 months. Therefore, the petitioner well aware that his PSO cover would be withdrawn soon after the Election results announcement.

8. Moreover, armed PSOs stated that they have been misused on many instances by the petitioner by taking them to hill stations and for other places. In 2019, as show of blatant misuse and to flaunt his status, the Petitioner took the PSO armed with Carbine semi-automatic weapon inside the Sanctum sanctorum (Grabha Grah) of Varatharaja Perumal Temple, Kanchipuram, during the 'Athi Varathar Darshan' event. This was severely criticized and questioned by the



devotees and the general public present there. The District Authority would be required to review the threat perception from time to time and the PSO should only be provided after the Threat Assessment is done and found true by the Security Review Committee (SRC) which convene meeting annually and reviews the threat to VIPs and other eminent Persons, who by the virtue of the position or due to their public life, which is of value to the Society or State, considers objectively and take decision with respect to provide Police Guards. Hence, the learned counsel prayed for dismissal of the Contempt Petition.

9. I have heard the learned counsel appearing on either side and perused the materials on record.

10. On perusal of the records it is seen that the Petitioner is the Managing Director of "Shri Narayani Nidhi Ltd.", which is registered under Section 406(1) of the Companies Act 2013 and here are has 55 branches in Tamil Nadu. According to the petitioner, due to business enmity and rivalry, petitioner started receiving threatening calls, filed complaint and a case Crime No.134 of 2019. Subsequently, the petitioner filed Crl.O.P.No.17790 of 2019 before this Court, for



providing Personal Security at the cost of the petitioner. The said petition was allowed and he was granted Armed Police Protection. Almost after five years, the Police Protection granted to the petitioner was withdrawn. Hence, alleging disobedience of the order of this Court, the petitioner filed the present Contempt Petition.

11. The History Sheeter Lalimanikandan of Thiruvudaimaruthur Police Station referred in the threatening call. According to the respondents, the History Sheeter Rowdy Lalimanikandan is in judicial custody in respect of other case in Crime No 83/2019 in Natchiyarkovil PS and while he is in judicial custody, he was convicted in S.C.No.254/2014 in Crime Number No.236/13 of Thiruvudaimaruthur Police Station, for the offence under Section 302 IPC. At present, he is a convicted prisoner and serving his prison term in Central Prison, Salem. Therefore, as of now, no threat, from the said History Sheeter. The Threat Assessment Reports received from Deputy Superintendent of Police, Thiruvudaimaruthur and Inspector of Police, Natchiyarkovil and Inspector of Police, Special Branch (Intelligence) categorically stated there is no imminent threat to petitioner from History Sheeter rowdy Lalimanikandan or any other bad characters. In view of the aforesaid reports, there is no



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reasonable basis for continuing with the interim security provided to the petitioner and hence, the decision taken by the 2nd respondent not to extend security to the petitioner from 01.06.2024, cannot be found fault with.

12. The Deputy Superintendent of Police, in his Memorandum, in C.NoR3/16828/2023, dated 31.05.2024, has categorically stated that two Armed Police Security Officers provided to the petitioner from 01.08.2021, based on the Judgment and DIG's instruction. The threat perception to the individual has been analysed periodically through local Police and Intelligence inputs. It is now considered that the individual is not facing any imminent life threat. The petitioner along with two Personal Security Officers left for Kodaikanal on 27.03.2024 and returned on 31.03.2024 due to personal reasons and thereby misused the Police force for five days. The Deputy Inspector General of Police, Thanjavur, has ordered to withdraw the PSO provided to the petitioner and if the petitioner submits any petition pertaining to threat, against Threat Assessment will be made and appropriate action will be taken as per the result of such assessment. In case of any threat, it should be assessed and should be forwarded to Chief Office for consideration of SRC (Security Review Committee),



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who is empowered to take call on protectee and providing PSO. Apart from this, it is relevant to mention here that the Police Population Ratio already is very low, when compared with the State and National average. In such a scenario, just because the petitioner can afford to pay for the Security Guard, not entitled him to have PSO, when the resources for the common public are already limited.

13. In view of the forgoing reasons, this Court if of the considered view that no contempt is made out against the respondents. Hence, the Contempt Petition stands dismissed. No costs.

20.12.2024

Speaking Order/Non Speaking Order
Index : Yes/No
Internet : Yes

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To

1. The Deputy Inspector General of Police (DIG),
Thanjavu Range,
Old Collector Office Road,
Thanjavur – 613 001
2. The Superintendent of Police,
Thanjavur District,
Thanjavur – 613 010
3. The Public Prosecutor,
High Court,
Chennai.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN

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