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Crl.O.P.No.18821 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.18821 of 2024

Bargathullah

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

2.The Deputy Superintendent of Police,
Chengam,
Tiruvannamalai.

3.The Inspector of Police
Chengam Police Station,
Chengam,
Tiruvannamalai District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the 3rd respondent to grant police protection to the petitioner and family.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

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2. According to the petitioner, he entered into mortgage with Mainudeen, Subedhar, Sowgath Ali and A.G.Z.Umar Mukthar Ahamed in respect of his business premises and availed loan of Rs.39 lakhs on 03.03.2024 at about 7.30 p.m. These four persons and two other rowdy elements had broke open the shop, removed textile worth Rs.2 Crores and carried it away in 10 vans. The fixtures kept in the premises also been removed by them. When he came to the shop and questioned them, they tried to demolish him by pouring kerosene. On sustaining burn injury, he raised alarm. Thereafter, those six persons fled. The petitioner was taken to Chengam hospital and then to CMC, Vellore and for further treatment, he was shifted to Apollo hospital. Alleging that his complaint was not registered by the respondent police, but fabricated as if it was self immolation attempted by the petitioner, the 3rd respondent is trying to safeguard the accused persons. Knowing that his complaint not been



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registered by the 3rd respondent and the complaint registered is contrary to the real fact, the petitioner intended to file a complaint under Section 156(3) of Cr.P.C., before the Judicial Magistrate, Chengam, but he was returned by the above named accused. Therefore, the present petition is filed under Section 482 Cr.P.C., seeking protection.

3. The learned counsel appearing for the petitioner submits that the protection to the petitioner and his family members required because they are threatened by the above named persons along with one Karate Ganesan who is an anti-social element.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on intimation from the hospital about the admission of the petitioner with burn injury, the police went to the hospital and recorded statement of the petitioner. Accident Register collected indicates that it was an accidental burn sustained by the petitioner. According to the statement of the petitioner, to prevent and protest the illegal removal of his textile material kept in the shop, the petitioner has attempted to self immolation and sustained 30% of mixed



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burn injury. He had been taken to CMC hospital for further treatment and thereafter, shifted to Apollo hospital.

5. The learned Government Advocate (Crl.Side) further submits that it was not a mortgage of the property as alleged by the petitioner, investigation reveals that he has entered into a sale agreement with four persons for sale consideration of Rs.39 lakhs and agreed to vacate the premises within three months or else the buyer can themselves vacate. Accordingly, the premises was vacated by the buyer and the entire building been demolished and therefore, the incident of immolation independently investigated and closed.

6. The grievance of the petitioner though in this petition is to provide police protection, his remedy is to pursue his complaint which is allegedly not taken for investigation by the police. The learned counsel appearing for the petitioner submits that when the petitioner attempted to file a complaint before the Judicial Magistrate under Section 156(3) Cr.P.C., the above named accused had threatened him.



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7. This Court after considering the facts of the case and the submissions made by the counsels is of the opinion that if the petitioner is aggrieved by the non registration of the complaint by the police he should follow the guidelines of *Lalithakumari* case and he should make a representation to the higher officials and thereafter, move the Jurisdictional Magistrate under Section 156(3) Cr.P.C./175(3) BNSS Act.

8. From the material placed before this Court, there is no evidence to show that after the written complaint dated 13.05.2024 to the Deputy Superintendent of Police, Chengam Town, he made an attempt to file complaint before the Judicial Magistrate under Section 156(3) Cr.P.C./175(3) BNSS Act. Therefore, it is suffice to direct the petitioner herein to approach the concern Judicial Magistrate under the relevant provision of law, if he is aggrieved by in action of the jurisdictional police and the superior officials. For the said purpose police protection is not required. However, if any other complaint regarding cognizable offence made by the petitioner, same has to be considered by the 3rd respondent in accordance with law.



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9. With the above direction, this Criminal Original Petition is disposed of.

05.08.2024

Index : Yes/No

Neutral Citation : Yes/No

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Tiruvannamalai.

2.The Deputy Superintendent of Police,
Chengam,
Tiruvannamalai.

3.The Inspector of Police
Chengam Police Station,
Chengam,
Tiruvannamalai District.

4.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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