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Crl.O.P.No.27773 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.27773 of 2024

Seenivasan

... Petitioner

Vs.

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

2. The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.

3. P.K.Selvaraj
4. D.Karunanithi

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the first and second respondents to grant adequate police protection to protect the life and liberty of the petitioner and his family at China Karadiyur Village, Pochampalli pursuant to the actions of third and fourth respondents herein and their mens as per the crime No.169 of 2023 on the file of the Inspector of Police, Nagarasampatti, Krishnagiri District and based on the representation dated 17.10.2014, to secure the ends of justice.



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For Petitioner : Mr.R.Shankarasubbu
For Respondents : Mr.K.M.D.Muhilan
For R1 & R2 : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking police protection to protect the life and liberty of the petitioner and his family.

2. It is seen that the petitioner objected the illegal quarry activities by the respondents 3 & 4 herein and lodged complaint before the respondents police. On receipt of the complaint, the second respondent registered the FIR in Crime No.169 of 2023 for the offences under Sections 341 & 506(1) of IPC. In the meanwhile, the petitioner approached this Court by way of this petition seeking police protection.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. This Court by an order dated 09.12.2024, granted protection to the petitioner and the same has been extended until further orders, by an order dated 08.01.2025. In the meanwhile, after completion of



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investigation, the second respondent closed the FIR in crime No.169 of 2023 as “mistake of facts” and filed closure report before the learned Judicial Magistrate, Pochampalli.

5. Even before the closing of FIR, the learned Judicial Magistrate, Pochampalli, closed the FIR under Section 167(5) of Cr.P.C., on the ground of limitation. Therefore, the second respondent filed an application in Crl.M.P.No.1595 of 2024, to re-open the FIR in order to receive the closure report and that application was returned. Therefore, once again, the second respondent approached the learned Principal District Sessions Judge, Krishnagiri, challenging the said return of the application by the learned Judicial Magistrate, Pochampalli and it is pending. Therefore, the investigation in crime No.169 of 2023 has already been completed and filed closure report, on the ground that no allegations are made out as against the accused persons. Hence, no police protection can be given to the petitioner, since the complaint itself closed.



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6. In view of the above facts, the prayer sought for in this petition cannot be granted. However, the petitioner is at liberty to lodge fresh complaint on fresh cause of action for seeking police protection. Accordingly, and the Criminal Original Petition stands dismissed.

03.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

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

2. The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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