



CRL.OP(MD) NO.736 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.O.P(MD) No.736 of 2025

Prof. (Dr).T.James Wilson

... Petitioner

.vs.

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

3. F.Prince Vino

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to direct the respondents 1 and 2 to grant police protection to the petitioner's life and limb in the interest of justice.



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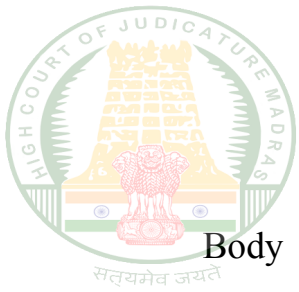
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For Petitioner : Mr.V.K.Sathiamurthy
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
For R3 : Mr.V.Ragavachari
Senior Counsel
for
Mr.S.Ramesh

ORDER

This petition has been filed by the petitioner to direct the respondents no.1 and 2 to grant police protection to the petitioner's life and limb.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the Chairman of the Marthandam College of Engineering and Technology, which is run by the Marthandam Educational and Charitable Trust and the petitioner is also the president of the Trust. The Trust was created under the Trust Act through a Trust Deed dated 03.06.2005 and the same was amended on 23.01.2008 through a deed of amendment. In 2016-2017, 31 trustees resigned from the Trust Membership and received back their membership fee of Rs.3000/-. Their resignation were approved and also accepted in the 9th and 10th General



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Body Meeting held on 28.08.2016 and 25.01.2017 respectively.

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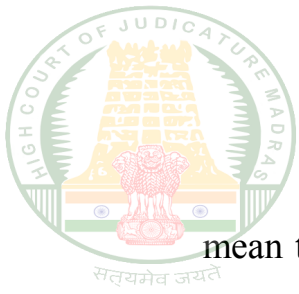
Thereafter, the Trust is run by ten trustees. After resignation of the 31 trustees, the Trust Deed was amended and one Sundar Raj and his wife Mrs.Vanaja, present trustees wanted to purchase the college and approached the other trustees including the petitioner. Their offer was rejected and thereby due to enmity, the said Sundar Raj gave a false complaint against the petitioner and case has been registered in Crime No. 13 of 2019 due to the Special interest of the then Inspector of Police, District Crime Branch, Ms.Janaki and thereafter the said case was closed as 'action dropped' on 19.10.2024. The said Sundar Raj forcefully tried to usurp the properties belonging to others and being the president of the Marthandam Trader's Association, he hold undue influence over the police and other government authorities in the Kanyakumari District. While so, one Prince Vino, who is a relative of the said Sundar Raj and a former trustee, at the instigation of the Sundar Raj, tried to interfere with the college admissions. Therefore, the petitioner lodged a complaint before the Inspector of Police, Thiruvattar Police Station and issued C.S.R.No.799 of 2020, but no action was taken. Thereafter, the said Janaki, who was working as Inspector of Police, District Crime Branch, Kanyakumari assumed charge as the Inspector of Police, Thiruvattar



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Police Station in November 2023, and based on the same, the Prince Vino again tried to interfere with the functioning of the college. The petitioner also sent a representation to the concerned authorities and also published a public notice through Newspaper in Dina Thanthi on 28.11.2023. The said Prince Vino along with the rowdy elements followed the petitioner and thereby, he lodged a complaint on 05.01.2024 to the police higher authorities. On 21.09.2024, the said Prince Vino and his accomplices came to the college and threatened that they would take over the college. Immediately, the petitioner lodged a complaint before the Inspector of Police, Thiruvattar Police Station and they have not taken any action and not even given C.S.R. Thereafter, he sent a representation to the Superintendent of Police on 23.09.2024 and no action was taken.

3. The learned counsel would further submit that in the mean time, the said Prince Vino and the accomplices at the behest of Sundar Raj forged and fabricated the documents in the name of the Trust and used the same as genuine before the Joint Sub Registrar, Marthandam and registered as Document No.19 and 83 of 2024. Therefore, the petitioner lodged a complaint on 21.10.2024 before the District Crime Branch, Kanyakumari. Thereafter, the petitioner appointed a new Principal. In the



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mean time, the petitioner filed an injunction suit against Prince Vino and

others in O.S.No.383 of 2024 on the file of the Subordinate Court,

Padmanabhapuram and the Court granted interim injunction against the

said persons on 26.11.2024. Despite the interim injunction granted, the

said Prince Vino and others trying to trespass into the college. Therefore,

the petitioner filed a petition for police protection on 27.11.2024 before

the Inspector of Police, Thiruvattar, but no action was taken. The Anna

university appoints the new Principal appointed by the petitioner as the

Chief Superintendent of the University Semester Exams of November –

December 2024, which is on going. Therefore, the college Principal filed

a petition on 20.12.2024 and 31.12.2024 to the Superintendent of Police

for police protection. While so, on 04.01.2025, the Subordinate Court,

Padmanabhapuram vacated the interim injunction on the strength of

forged and fabricated documents filed by the said Prince Vino and others.

Taking advantage of the same, the said Prince Vino and Paul Raj, Sundar

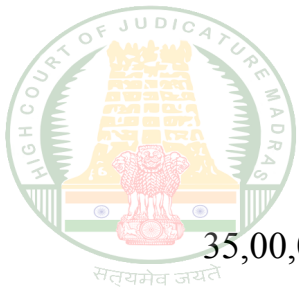
Raj and their henchmen along with rowdy elements and their Advocates,

forcefully trespassed into the petitioner's college, ransacked the library

Block, the Principal and the Chairman's office and also assaulted and

forcefully took away Rs.20,00,000/- cash, which was kept for disbursing

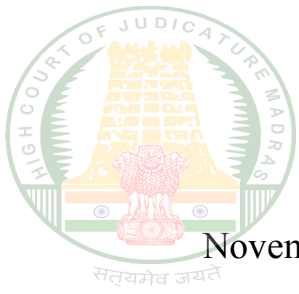
the salary. They also broke open the locker and took away Rs.



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35,00,000/-, which was kept for infrastructure development. The Principal of the college is now taking treatment in the hospital and based on the his statement, a case in Crime No.2 of 2025 was registered by the Tiruvattaru Police Station and a counter case is also registered in Crime No.3 of 2025. Therefore, in the above said institution, they have to conduct Anna University November – December, 2024 Semester Examination. The students are writing examination under fear and this could potentially affect their future. Therefore, the police protection is very essential.

4. The learned Government Advocate (Criminal Side) appearing for the respondents no.1 and 2 would submit that there is a dispute between the petitioner and the 2nd respondent in respect of administration of the college and thereby, F.I.Rs have been registered as against each other. Since there is a dispute between the parties in respect of the administration, for the dispute in respect of the administration, the police protection cannot be given. Already they have taken necessary action based on the complaint given by both the parties. However, the main ground to grant police protection urged by the petitioner is that, for the purpose of conducting the Anna University Examinations for the



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November- December 2024. Now the time was lapsed and therefore,

nothing survives for further adjudication in this case and this petition is liable to be dismissed.

5. The learned counsel appearing for the 3rd respondent would submit that the college is under the administration of the 3rd respondent and the petitioner suppressing the facts, filed a suit in O.S.No.383 of 2024 on the file of the Sub Court, Padmanabhapuram and got interim injunction. Thereafter, the petitioner approached the Sub Court, Padmanabhapuram for vacating the interim injunction and the same was vacated. Therefore, there is a dispute in respect of the administration of the college. Now the college is under the administration control of the 3rd respondent, suppressing the same, this petition is filed. Therefore, the police protection for the disputed properties cannot be granted. The main purpose for seeking police protection is for conduct of examination and already the examinations were over and therefore, this petition is liable to be dismissed.

6. This Court heard both sides and peruse the records.



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WEB COPY 7. The petitioner filed a petition for seeking police protection to the life and limb of the petitioner and for examinations for the Anna University examination November- December, 2024. Now the period of examination was over and there is a dispute in respect of administration of the college between the two groups I.e.the petitioner and the 3rd respondent. Therefore, the disputed facts cannot be disposed of through this petition. Already F.I.Rs have been registered against both the parties and the same are pending for investigation. Therefore, the parties can resolve their dispute in respect of the administration before the appropriate forum, not through this petition. As for as the police protection is concerned, in respect of the administration of the college, there is a dispute between the parties and for the disputed properties, police protection cannot be granted to a particular person for administering the college when the dispute is pending between the parties. The question of who is administering the college itself is in dispute, therefore, police protection cannot be granted for administrative purpose. At the same time, if any party indulges in any criminal activities, then they can approach the respondent police by way of specific complaint for the specific incident. Since the examinations were already over, police



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protection is not necessary and the prayer for police protection become infructuous in respect of conducting examinations. As far as the administration is concerned, police protection cannot be granted for the disputed immovable properties. Therefore, with the liberty to the parties to approach the 2nd respondent, if any criminal activities done by either party, this criminal original petition is disposed of.

25.04.2025

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

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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