



WEB COPY



W.P.No.5163 of 2024

In the High Court of Judicature at Madras

Reserved On : 26.3.2024	Delivered on : 01.4.2024
--	---

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.5163 of 2024

Sri K.Venkatesh

...Petitioner

Vs

- 1.The Principal Secretary to
Government, Home Department,
Secretariat, Fort St.George,
Chennai, Tamil Nadu-600009.
- 2.The Director General of Police,
Mylapore, Dr.Radhakrishnan
Salai, Chennai, Tamil Nadu-600004.
- 3.The Commissioner of Police,
HVF Estate, Bhaktavatsala Puram,
Avadi, Chennai, Tamil Nadu-600054.
- 4.The Joint Commissioner of
Police, Avadi Commissionerate,
2/14, NH 716, Kamarajapuram,
Ambattur, Chennai,
Tamil Nadu-600053.
- 5.The Inspector of Police,
M4 Police Station, No.1,
172A, GNT Road, Redhills,
Chennai-52.

...Respondents



W.P.No.5163 of 2024

WEB COPY

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to provide police protection to the life and property of the petitioner based on his representations dated 09.9.2023, 11.9.2023, 25.10.2023, 28.10.2023 and 29.10.2023.

For Petitioner : Mr.Nithyaesh Natraj for
Mr.Anirudh AS Sriram
For Respondents : Mr.A.Damodaran, APP

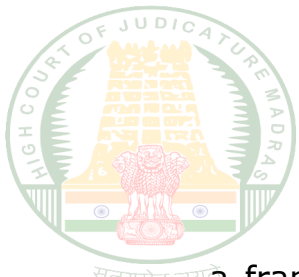
ORDER

This is a petition filed by the petitioner seeking a direction to the respondents to provide police protection to the life and property of the petitioner based on his representations/complaints.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The case of the petitioner, as stated in the affidavit filed in support of the writ petition, is as follows :

(i) The petitioner is engaged in import and export business. That apart, he is also running an educational trust and it also secured



W.P.No.5163 of 2024

WEB COPY

is a franchisee to operate a school at Redhills. He is presently holding the position of OBC State Secretary in Bharatiya Janata Party. He is facing life threat from various persons. In view of the same, he applied for a gun licence and he was also granted a gun licence, which is in force till date.

(ii) One of the close relatives of the petitioner was brutally murdered on 17.8.2023. The petitioner alleged that one Muthu Saravanan and his associates were behind this murder. From then onwards, the petitioner and his family members started receiving threatening messages from the said Muthu Saravanan and his associates.

(iii) On 12.10.2023, the said Muthu Saravanan died in an encounter and certain videos were circulated as if the petitioner was behind his encounter. As a result, the threat factor aggravated. It is under these circumstances, representations/complaints were given to the respondents seeking for police protection. Since the same did not evoke any response, the above writ petition came to be filed before this Court.



W.P.No.5163 of 2024

WEB COPY

4. When the matter came up for hearing on 07.3.2024, an affidavit was filed by the petitioner, the relevant portions of which are extracted as hereunder :

"I state that Mr.Robert Raja, the Assistant Commissioner of Red Hills, personally visited the petitioner at their residence in Red Hills on March 4, 2024 at 6.30 PM. He informed the petitioner that Bhairava, also known as Veera Mani was recently arrested in Tirunelveli by the Avadi Special Team. They were subsequently brought to Chennai in connection with an offence under Crime No.200/ 2024 under Sections 8C, 20(b)(ii), 29(1) of the NDPS Act for the possession of 1.3 Kg of Ganja.

3. I state that the Assistant Commissioner informed the petitioner that the aforementioned Bhairava is a notorious gangster with prior criminal cases pending, including murder charges. He is associated with what is colloquially referred to as 'coolii padai'. Moreover, he has provided a statement to the police indicating that within a week, his co-accused in Crime No.200/24, one Karuppu alias Karuppasamy, who is the brother of Muthu Saravanan (who was killed in a police encounter), has vowed to eliminate the petitioner herein and then surrender to the police station within the same time frame.



WEB COPY



W.P.No.5163 of 2024



WEB COPY



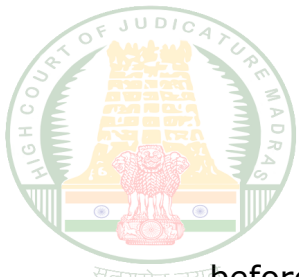
W.P.No.5163 of 2024

4. *I state that the said Karuppasamy, as previously mentioned, remains at large and has not been apprehended by the police yet. Therefore, the Assistant Commissioner has earnestly requested the petitioner herein to avoid travelling outside and refrain from sharing any information on social media that could disclose the petitioner's whereabouts.*

5. *I state that the jurisdictional police officer has alerted the petitioner about an imminent threat to his life and personal freedom. Additionally, the police revealed a disturbing plot to target both the petitioner and his brother-in-law, intending to inflict upon the petitioner the same suffering endured by the relatives of Muthu Saravanan. This constitutes a blatant and severe threat to life.*

6. *I state that the petitioner further assert that I have received credible information indicating that the Intelligence Bureau of the Government of India has submitted recommendations to the State Police. These recommendations explicitly highlight the threat to my life and safety."*

5. On going through the said affidavit, on 07.3.2024, this Court directed the Assistant Commissioner of Police, Red Hills to be present



W.P.No.5163 of 2024

सत्यमेव जयते before this Court during the next date of hearing.

WEB COPY

6. Again, the matter was posted for hearing on 19.3.2024 in my chambers. On that day, a status report was filed by the fifth respondent. In the status report, it was stated that there are nearly 10 cases registered against the petitioner by both M4 Red Hills Police Station as well as Avadi Central Crime Branch. That apart, there are nearly 49 cases pending before various police stations in the State of Andhra Pradesh. It was also stated in the status report that the petitioner was arrested in a case in Crime No.542 of 2023, which involved the threat exerted by the petitioner with his gun and as a result, a request was also made to the Commissioner of Police, Nagaland to suspend the gun licence. Considering the activities of the petitioner, a history sheet was also opened against him in H.S.No.3 of 2023. In continuation of the same, the movement of the petitioner was monitored continuously and a police picket was posted near the house of the petitioner to prevent anti-social elements from visiting the house of the petitioner. The status report virtually branded the petitioner as a history sheeted rowdy.



W.P.No.5163 of 2024

WEB COPY

7. In so far as the threat perspective faced by the petitioner is concerned, it has been stated as follows :

"11. It is submitted that intelligence reports regarding activities of rowdy elements and threats faced by them from their rivals are periodically sent to the field officers for taking action to prevent untoward incidents. On receipt of such inputs, jurisdictional police officers would take deterrent action against those who are planning to carry out any offences thus preventing untoward incidents. In this instance also, based on the intelligence alert given, appropriate action has been taken against all those who are likely to plan revenge attacks. A special team also formed to nab the accused who are absconding. In this regard, it is stated that personal security officers are never given to such persons with criminal background, who face threats from rivals. Instead, police take stringent actions against such persons, who are involved in inter gang rivalries. If personal security officers are given to such persons with criminal antecedents and belonging to rowdy gangs, it will send a very wrong signal to the public. It will also embolden criminals and rowdies to commit more offences under the cover of police protection.

12. It is submitted that the 5th respondent



WEB COPY



W.P.No.5163 of 2024

police opened history sheet on 14.10.2008 itself as against the petitioner and the same was closed by the Hon'ble Court of Judicature at Madras based on a writ filed by the petitioner in W.P.No.8230/ 2012 dated 10.8.2012. However, the petitioner again involved in a criminal case in Pullampettai Police Station, Andhra Pradesh, in Cr.No.118/ 2014 U/s. 379, 307, 120(b) r/w 20(i)(a)(iii)(iv) and 29(a) Andhra Pradesh Forest Act. Apart from this, during the year 2011, the petitioner further involved in four criminal cases in M4 Redhills Police Station hence, the HS was reopened on 13.6.2015 vide No.H.S-1/2015 in M4 Redhills Police Station against the said K.R.Venkatesh (a) Melakaipodi Venkatesan.

13. It is further submitted that the petitioner/K.R.Venkatesh @ Milaikaipodi Venkatesan was illegally doing kattapanchayat at Redhills in and around the surrounding areas. In this regard, a case was registered in M-4, Redhills Police Station Crime No.542/2023, u/s 419, 465, 471, 420, 294(b), 307, 506(ii) IPC r/w Sec. 25(i)(a) Arms Act. Due to which, on 13.6.2023, the history sheet was opened against the petitioner/K.R.Venkatesh @ Milakaipodi Venkatesan vide No.3/ 2023. Since the jurisdiction police officials are closely monitoring the activities of the petitioner, on 04.3.2024, the



WEB COPY



W.P.No.5163 of 2024

Assistant Commissioner of Police, Redhills Range visited the petitioner/K.R.Venkatesan's house, checked him and warned him not to involve in any illegal and criminal activities like kattapanchayat, rowdyism in the area or other locality with the aid of his associates.

14. I humbly submit that the above representation given by the petitioner to provide police protection has no merits, because the petitioner himself has a long criminal antecedent with numerous cases in Tamil Nadu and Andhra Pradesh. He has a history involving in criminal and antisocial activities like smuggling of red-sanders from neighbouring States of Andhra Pradesh. The petitioner also indulges in the kattapanchayat, land grabbing using forged documents etc. Because of the rowdy activities, history sheet has been opened against him in Redhills Police Station, which is still continuing. The petitioner had obtained gun license through dubious means from Nagaland by creating fake documents as if he has a temporary residence in Dimapur. He used this weapon to intimidate people while conducting kattapanchayats in commercial and money disputes. The petitioner thus has a history misusing his power and influence for furthering his own pecuniary interests. Because of his illegal activities, he may



WEB COPY



W.P.No.5163 of 2024

be having rivals. To prevent the petitioner from carrying out his illegal antisocial activities, police pickets have been put near his residence and it would also serve as deterrent to his rivals and antisocial elements from coming to his house. This would take care of his personal safety and security also. However, it is not possible to give any police personnel as personal security officer to the petitioner considering his grave criminal antecedents and high potential of misuse of the same. If the petitioner's prayer is allowed, every history sheet criminal would rush to the court for getting police protection citing danger from his rivals and to continue their illegal activities in a protected manner. Further, providing PSOs to such persons with criminal antecedents would send a wrong signal and perception about the police among the public."

8. In reply to the allegations made in the status report regarding the pendency of various criminal cases against the petitioner, the learned counsel appearing on behalf of the petitioner submitted that there are only three cases pending against the petitioner before the Redhills Police Station, out of which, the first case pertains to a first information report registered in the year 2006;



W.P.No.5163 of 2024

WEB COPY

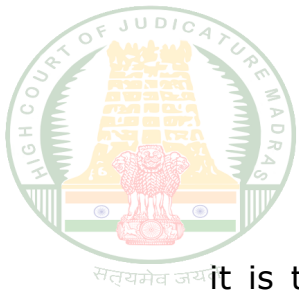
the second case pertains to Crime No.542 of 203, which resulted in a compromise between the parties; and the third case in Crime No.543 of 2023 is merely a consequence of the earlier first information report registered in Crime No.542 of 2023 and this first information report was based on the false complaint given by the Special Sub-Inspector belonging to the very same police station.

9. In so far as the cases pending in the State of Andhra Pradesh are concerned, the learned counsel appearing on behalf of the petitioner submitted that all these cases pertain to the period between 2014 and 2017 and that those are routine cases, which were registered against a large number of persons, in which, the name of the petitioner was also included.

10. This Court has carefully considered the submissions made by the learned counsel appearing on behalf of the petitioner.

11. Before-ever passing an order for police protection, this Court must see if there is a threat perception to the life of the petitioner and it must be based on some reliable material. Normally,

12/21



W.P.No.5163 of 2024

WEB COPY

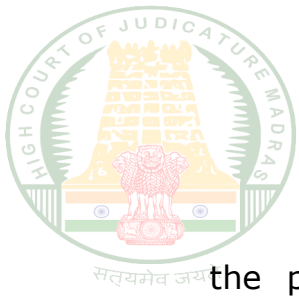
it is the Superintendent of Police concerned, who must examine the request made for granting police protection on an objective basis after collecting the necessary data.

12. In the instant case, there is some material to show that there is a potential threat faced by the petitioner. The same has also been taken note by the police. On the one hand, the police is vehemently opposing the grant of police protection to the petitioner. On the other hand, the internal communication pertaining to the threat faced by the petitioner is leaked to the petitioner. This attitude on the part of the respondent - police is quite incomprehensible.

13. The learned counsel appearing on behalf of the petitioner submitted that the petitioner is not being provided with police protection only due to political vendetta since he belongs to BJP.

14. It is not necessary for this Court to go into the issue of politics while dealing with this petition.

15. While considering the plea for grant of police protection, it is very important to take note of the background and the stature of



W.P.No.5163 of 2024

WEB COPY

the person, who is seeking for such a police protection. If the petitioner is a person without any background of criminal cases pending against him, this Court would have straight away directed the respondents to provide police protection to the petitioner without any hesitation. If there are pending criminal cases against a person and if he develops enmity/rivalry due to his own activities, even in such cases, there is a threat perception. However, if this Court directs to give police protection for such persons, it will send a wrong signal to the society and a normal citizen should not get an impression that people with criminal background are also provided with police protection. If such an impression is created, they will lose their faith in the existing system.

16. The learned counsel appearing on behalf of the petitioner submitted that such a police protection is given to persons with criminal background.

17. To some extent, the said submission of the learned counsel appearing on behalf of the petitioner may also be true. However, that cannot be a ground for this Court to direct the grant of police



W.P.No.5163 of 2024

protection to a person having criminal background.
WEB COPY



W.P.No.5163 of 2024

WEB COPY

18. In so far as the Courts are concerned, there must be some consistency while considering the request for the grant of police protection and in all cases where the persons seeking such a police protection have a criminal background, the Courts must be very circumspect to grant police protection. In any case, just because some persons with criminal background are given the police protection, that cannot be taken as a precedent by the Courts while considering the request made for the grant of police protection. Two wrongs don't make a right.

19. The materials placed before this Court would show that there are three pending cases against the petitioner in the State of Tamil Nadu, out of which, two cases were registered in the year 2023 by the Redhills Police Station.

20. It is contended by the learned counsel appearing on behalf of the petitioner that in one of the cases, a compromise has been arrived at and that the next case registered in Crime No.543 of 2023 is only a consequence of the earlier case registered in Crime No.542 of 2023.

16/21



W.P.No.5163 of 2024

WEB COPY

21. Had the criminal cases pending against the petitioner stopped here, probably this Court would have considered the request of the petitioner for grant of police protection. However, the particulars of all the 49 cases that are pending in the State of Andhra Pradesh have been placed before this Court. The Inspector of Police, District Crime Records Bureau, YSR District, Kadapa, through a communication dated 21.3.2024, informed the fifth respondent that 20 cases are pending against the petitioner in YSR District. Similarly, the Inspector of Police, District Crime Records Bureau, Rayachoty, Annamayya District, through communication dated 21.3.2024, informed the fifth respondent that there are 19 cases pending against the petitioner in Annamayya District. Likewise, the Inspector of Police, District Crime Records Bureau, Tirupati District, Tirupati, through communication dated 20.3.2024, informed the fifth respondent that there are 5 cases pending against the petitioner in Tirupati District. In the same lines, the Inspector of Police, District Crime Records Bureau, Chittoor District, Chittoor, through an undated communication, informed the fifth respondent that there are 5 cases pending against the petitioner in Chittoor District.

17/21



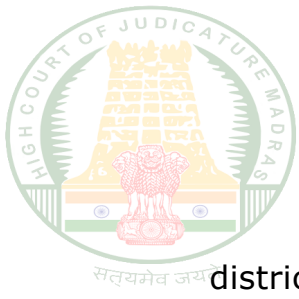
W.P.No.5163 of 2024

WEB COPY

22. On going through the communications received from the concerned Inspectors of Police, District Crime Records Bureau in the State of Andhra Pradesh, it is seen that the particulars of the cases registered and pending before various police stations were also furnished. Almost all the cases pertain to smuggling of red sanders wood.

23. The learned counsel appearing on behalf of the petitioner submitted that such routine cases have been registered against a large number of persons and without any basis, the name of the petitioner has been added as an accused.

24. In the considered view of this Court, the said submission of the learned counsel appearing on behalf of the petitioner only deserves to be rejected. Even assuming that all the pending cases in the State of Andhra Pradesh are routine cases, which have been registered against a large number of persons without any basis, it is quite curious as to why the name of the petitioner has been added as an accused in each of the 49 cases that are pending in various



W.P.No.5163 of 2024

districts in the State of Andhra Pradesh.

WEB COPY

25. There is yet another perspective, from which, these cases can be looked into. The order passed in this writ petition at least acts as a precedent in the State of Tamil Nadu. Therefore, in the instant case, assuming that this Court grants police protection to the petitioner, the order will be shown as a precedent in another case where a similar threat perception is encountered by another person with criminal background. Hence, while dealing with such a writ petition, the Judge will face an embarrassment in dealing with the earlier order where such police protection is directed to be given.

26. In the considered view of this Court wherever the person seeking for police protection has a criminal background and such a threat perception is as a result of his own activities, this Court should be very hesitant to grant police protection.

27. In so far as the threat perception faced by the petitioner is concerned, the manner, in which, it is going to be handled, is dealt with in the status report filed by the fifth respondent. Hence, this Court is not inclined to provide personal security officer to the



W.P.No.5163 of 2024

petitioner as requested by the petitioner in the writ petition.

WEB COPY

28. In the result, the above writ petition is dismissed. No costs.

01.4.2024

To

- 1.The Principal Secretary to
Government, Home Department,
Secretariat, Fort St.George,
Chennai-9.
- 2.The Director General of Police,
Mylapore, Dr.Radhakrishnan
Salai, Chennai-4.
- 3.The Commissioner of Police,
HVF Estate, Bhaktavatsala Puram,
Avadi, Chennai-54.
- 4.The Joint Commissioner of
Police, Avadi Commissionerate,
2/14, NH 716, Kamarajapuram,
Ambattur, Chennai-53.
- 5.The Inspector of Police,
M4 Police Station, No.1,
172A, GNT Road, Redhills,
Chennai-52.
- 6.The Public Prosecutor,
High Court, Madras.

RS

20/21



WEB COPY



W.P.No.5163 of 2024

N.ANAND VENKATESH,J

RS

W.P.No.5163 of 2024

01.4.2024

21/21