



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.2407 of 2022

G.Kannan

... Petitioner

Vs.

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

2. The Inspector of Police,
Mecheri Police Station,
Salem District.

3. Gopal

4. Mariyappan

5. Mahalingam

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., pleaded to direct the respondents 1 and 2 to provide Police protection to the petitioner and his property comprised in Survey No.352/2A measuring to an extent of 1.27 acre and Survey No. 352/2B measuring to an extent of 1.27 acre totally measuring an extent of 2 acre 54 cents situate at Amanimecheri Village, Mecheri Sub Registration District, Salem Registration District, Mettur Taluk, Salem District based on the complaint of the petitioner dated 07.01.2022.

For Petitioner : Mr.R.C.Paul Kanakaraj
for Mr.C.Prabakaran

For R1 & R2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R3 : Mr.B.Lenin

For R4 & R5 : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent Police for grant of Police protection to the petitioner and his property.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property comprised in Survey No.352/2A measuring to an extent of 1.27 acre and



Survey No. 352/2B measuring to an extent of 1.27 acre totally measuring an extent of 2 acre 54 cents situate at Amanimecheri Village, Salem. The respondents 3 to 5 were disturbing his peaceful possession of the property and regarding the same, he had made representations to the respondent Police. Since no action has been taken, the present petition has been filed seeking for protection.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor submitted that the civil suit is pending between the parties.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents Police.

5. At the outset, this Court is of the view, such a protection cannot be granted particularly, when there is rival claim by the other side. Even the allegations are yet to be proved there cannot be any blanket order. The parties should await for the decision of this Court in Second Appeal. In this aspect, the Hon'ble Apex Court in the case of 'PR.Muralidharan and others Vs.Swami Dharmananda Theertha Padar' reported in 2006 4 SCC 501 as held as follows:

'...19.A Writ for "Police Protection" so-called, has only a limited scope, as when the Court is approached for protection of rights declared by a decree or by an order passed by a civil Court. It cannot be extended to cases where rights have not been determined either finally by the civil Court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.'

6. In view of the above, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ham/shk

To

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



2. The Inspector of Police,
Mecheri Police Station,
Salem District.

3. The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.B.Lenin Balu, Advocate SR. No. 40148

+1cc to Mr.C.Prabakaran, Advocate SR. No. 40996

Crl.O.P.No.2407 of 2022

SVI (CO)

PR (07/07/2022)