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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.9819 OF 2022

S.R.Navamani

... Petitioner

.Vs.

1. The Commissioner of Police
Salem City,
Salem District.
2. The Assistant Commissioner of Police,
Annadanapatti,
Salem.
3. The Inspector Police,
Annathanapatti Police Station,
Salem.
4. K.Kumar
5. Madhu
6. Venkatesh
7. Sasikumar

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the third respondent police to grant an adequate police protection for fencing/constructing compound wall over the petitioner's land and building to an extent of 32,378 square feet, comprised in New Survey No.13/2 [Old Survey No.13-Part], Block No.6, Ward-H, Pension Line Cross Road, Dadagapatti Village, Salem District, by initiating appropriate actions against the accused persons based on the complaint given by the petitioner dated 12.02.2022 on the file of the respondent police.



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For Petitioner : Mr.Vijaya Baskar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1 to R3

Mr.K.P.C.Mohan
For R4 & R5

No appearance - R6

O R D E R

This Criminal Original Petition has filed to direct the third respondent to grant adequate police protection for fencing/constructing compound wall over the petitioner's land and building by initiating appropriate action against the accused persons based on the complaint given by the petitioner dated 12.02.2022 on the file of the respondent police.

2. Heard the learned counsel appearing for the petitioner and the learned counsels for the respondents and perused the materials available on record.

3. At the outset, this Court is of the view, such a protection cannot be granted particularly, when there is rivalry claim by the other side. The practice of granting the blanket police protection particularly, immovable property without establishing title leads to serious consequences. 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 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.''

Even as per the submissions of the learned counsel for the petitioner, there is a civil dispute between the parties and already two suits have been filed, which is referred in the



typed set filed by the petitioner. In such view of the matter, there shall not be any blanket Order for police protection.

4. Accordingly, this Criminal Original Petition is dismissed.

5. Taking note of the fact that civil dispute is pending, petition filed seeking police protection are repeatedly numbered. A blanket order for police protection cannot be granted in connection with an immovable property. The Registry is directed not to number petition for police protection unless there is a Civil Court decree or order of the Court in respect of the immovable property. Without such decree or order the Registry is directed not to number any petition for police protection.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Commissioner of Police,
Salem City,
Salem District.
2. The Assistant Commissioner of Police,
Annadanapatti,
Salem.
3. The Inspector Police,
Annathanapatti Police Station,
Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Registrar General,
High Court, Madras.



Copy To:-

1. The Registrar (Judicial),
High Court, Madras - 104.

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2. The Section Officer,
Criminal Section,
High Court of Madras.

CRL.O.P.NO.9819 OF 2022

PL (CO)
PBS/28/06/2022