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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.8389 of 2022

G.Selvarani

...Petitioner

Vs

1. The District Superintendent of Police,
Vellore District,Vellore 632 009.

2. The Deputy Superintendent of Police,
Vinayagapuram,Sethukkarai Post,
Gudiyattam Taluk,
Vellore District 632 602.

3. The Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam and Taluk,
Vellore District.

4. The Sub Inspector of Police,
Paradarami Police Station,
Paradarami Village and Post,
Gudiyattam Taluk,
Vellore District 632 602.

5. S.Nagarajan

6. A.Palani Chetty

7. K.Kesavan @ Kesava Chetty

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 to 4 herein to give police protection to the petitioner by preventing the respondents 5 to 7 from anyway disturbing the construction of compound wall around the petitioner's property comprised in S.No.261/1, New S.No.705/11A, Patta No.59, Paradarami Main Road, Paradarami Village, Gudiyattam Taluk.

For Petitioner : Mr.K.A.Ravindran

For Respondents : Mr.A.Gokulakrishnan R1 to R4,
Additional Public Prosecutor
Mr.G.Vinodhkumar for R5 toR7



O R D E R

This Criminal Original Petition has been filed seeking direction to the respondents 1 to 4 to give police protection to the petitioner by preventing the respondents 5 to 7 from anyway disturbing the construction of compound wall around the petitioner's property comprised in S.No.261/1, New S.No.705/11A, Patta No.59, Paradarami Main Road, Paradarami Village, Gudiyattam Taluk.

2.The learned counsel for the petitioner would submit that the petitioner has already obtained decree and judgment in OS.No.141 of 2020 in respect of the Survey No.261/1 and present Survey No.705/11A. However, it is the contention of the petitioner that the private respondents herein have no rights in the property and they are repeatedly interfering with the possession of the property.

3.Learned counsel for the private respondents would submit that the suit for injunction has been filed by the petitioner against her own brother in a collusive manner and obtained ex parte order without making the respondent as a party to the suit. However, the sixth respondent has already filed the suit in O.S.No.205 of 2021, to set aside the decree and judgment obtained in OS.No.141 of 2020, on the file of the District Munsiff, Gudiyattam. Therefore, he opposes this application.

4.Heard the learned counsel for the petitioner and the learned counsels for the respondents.

5.It appears that the ex parte decree is in favour of the petitioner against his own brother. The above decree is also put to challenge by the sixth respondent in O.S.No.205 of 2021 before the District Munsif, Gudiyattam.

6.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. Even the allegations are yet to be proved there cannot be any blanket order. 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.''

7. In view of the above, this Criminal Original Petition is dismissed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

shk/ham

To

1. The District Superintendent of Police,
Vellore District,
Vellore 632 009.
2. The Deputy Superintendent of Police,
Vinayagapuram,
Sethukkarai Post,
Gudiyattam Taluk,
Vellore District 632 602.
3. The Inspector of Police,
K.V.Kuppam Police Station,
K.V.Kuppam and Taluk,
Vellore District.
4. The Sub Inspector of Police,
Paradarami Police Station,
Paradarami Village and Post,
Gudiyattam Taluk,
Vellore District 632 602.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.A.Ravindran, Advocate, S.R.No.39995
+1cc to Mr.G.Vinodhkumar, Advocate, S.R.No.39693

Cr1.O.P.No.8389 of 2022

SR(CO)
RGA(07/07/2022)