

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9831 of 2022

P.Tamilarasi

... Petitioner

Vs.

The Inspector of Police,
Sankagiri West Police Station,
Sankagiri Taluk,
Salem District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., pleaded to direct the respondent to provide Police protection to the petitioner and petitioners family possession.

For Petitioner : Mr.A.Sankar - No Appearance
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent Police to give Police protection to the petitioner and her family possession.

2. Today when the matter is taken up for hearing, there is no representation on behalf of the petitioner.

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

4. 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. 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.'

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ham/shk

To

1. The Inspector of Police,
Sankagiri West Police Station,
Sankagiri Taluk,
Salem District.
2. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.9831 of 2022

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NSK/13/07/2022