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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 9/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.9548 of 2022

K. Kumar

...Petitioner

Vs

1. The Commissioner of Police
Office of the Commissioner
Vepery
Chennai 600 007.

2. The Deputy Commissioner of Police
Office of the Deputy Commissioner
Adyar
Chennai 600 020.

3. The Assistant Commissioner of Police
Office of the Assistant Commissioner
Neelankarai
Chennai 600 115.

4. The Inspector of Police
Office of the Inspector of Police
J 8 Neelankarai Police Station
Neelankarai
Chennai 600 115.

5. Dairyanathan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to give a Police protection to the petitioners based upon his complaint dated 6/4/2022.

For Petitioner

...

Mr.R.Ramesh

For Respondents

...

Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.R.1 to 4.

Mr.T.Ashok Kumar
for R.5.



O R D E R

This Criminal Original Petition has been filed to direct the respondents to give a Police protection to the petitioners based upon his complaint dated 6/4/2022.

2. Heard Mr.R.Ramesh, learned counsel appearing for the petitioner, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents 1 to 3 and Mr.T.Ashok Kumar, learned counsel for the fifth respondent.

3. The grievance of the petitioner is that he is a lawful tenant and there is no dispute with his land lord, whereas the fifth respondent, is causing nuisance and preventing his business of selling construction materials. Therefore, seeks for Police protection. The learned counsel appearing for the petitioner submitted that as long as there is no dispute between the landlord and tenant, third party has no right to restrain his business.

4. The learned counsel appearing for the fifth respondent submitted that the fifth respondent is the Secretary of the Association, where the petitioner is also residing. It is his bounden duty to take care of the welfare of other residents. The petitioner is stocking M-sand and creating nuisance in the residential locality, which was rejected by many of the residents. Somehow or other to threaten the fifth respondent, this Criminal Original Petition has been filed.

5. 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 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.''



6. In such a view of the matter, this Criminal Original Petition is dismissed. If aggrieved, the petitioner is at liberty to approach the Civil Court.

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Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mvs.

To

- 1.The Commissioner of Police
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- 2.The Deputy Commissioner of Police
Office of the Deputy Commissioner
Adyar
Chennai 600 020.
- 3.The Assistant Commissioner of Police
Office of the Assistant Commissioner
Neelankarai
Chennai 600 115.
- 4.The Inspector of Police
Office of the Inspector of Police
J 8 Neelankarai Police Station
Neelankarai
Chennai 600 115.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Gouthaman, Advocate SR. No. 34003

CrI. O.P. No.9548 of 2022

PM (CO)
PR (20/06/2022)