



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P. NO.9881 OF 2022

P. Duraisamy

... Petitioner

Vs.

1. The Superintendent of Police
Villupuram District, Villupuram.
2. The Deputy Superintendent of Police,
Gingee, Villupuram District.
3. The Sub Inspector Police,
Avalurpet Police Station,
Malmalayanur.
4. Ramakrishnan
5. Pandian

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 2 and 3 to grant police protection to the life and property of the petitioner as per the representation of the petitioner dated 13.04.2022.

For Petitioner : Ms.K.Udayaselvi

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

Mr.B.Jawahar - R5



O R D E R

This Criminal Original Petition has been filed to direct the respondents 2 and 3 to grant police protection to the life and property of the petitioner as per the representation of the petitioner dated 13.04.2022.

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 rival claim by the other side. The practice of granting blanket police protection particularly, in respect of 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 it is an admitted fact that already a suit for partition has also been filed, which is referred in the documents 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.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vrc



To

1. The Superintendent of Police
Villupuram District, Villupuram.
2. The Deputy Superintendent of Police,
Gingee, Villupuram District.
3. The Sub Inspector Police,
Avalurpet Police Station,
Malmalayanur.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Ms.K.Udayaselvi, Advocate, S.R.No.36762

Crl.O.P. No.9881 of 2022

PL (CO)
PM/28/06/2022