



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.9932 of 2022

Usha Nandhini

... Petitioner

Vs.

1. State rep. by its The Inspector of Police
Palacode, Dharmapuri District.

2. S.Govindaraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue a direction directing the respondent to provide adequate police protection to survey the petitioner's property based on the representation dated 08.09.2021.

For Petitioner : Mr.G.Mohammed Aseef

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

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to provide adequate police protection to survey the petitioner's property based on the representation given by the petitioner dated 08.09.2021.

2. The learned counsel for the petitioner submitted that subject property is the ancestral property of the husband of the petitioner, which was allotted in favour of her husband as per the partition deed dated 03.01.2007. The husband of the petitioner has also filed a suit in O.S.No.192 of 2010 for declaration of title and the suit has also been decreed in favour of her husband. Now, the petitioner has to survey the land and hence, this petition for police protection.

3. Heard the learned counsel appearing for the petitioner and the learned counsels for the first respondent and perused the materials available on record.

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. 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, the suit filed by the husband of the petitioner has been decreed in his favour declaring his title. In such view of the matter, there shall not be any blanket Order for police protection and the petitioner can very well work out her remedy as per law by executing decree.

5. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vrc

To

- 1.The Inspector of Police,
Palacode, Dharmapuri District.
- 2.The Public Prosecutor,
High Court of Madras.

CrI.O.P. No.9932 of 2022

EV (CO)
PR (01/07/2022)