



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.11497 OF 2022

N.Selvakumar

... Petitioner

Vs.

1. State of Tamil Nadu,
Represented by the Inspector of Police,
S 10, Pallikaranai Police Station,
Pallikaranai, Chennai - 100.

2. Jaisankar

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct Respondent No. 1 to provide adequate police protection to the Petitioner so as to enable the petitioner to enjoy peaceful possession of the property situated at Survey No.138/3, Om Sakthi Nagar, Kovilambakkam Village, Chennai - 117.

For Petitioner : Mr.S.Manuraj

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to provide adequate police protection to the Petitioner so as to enable the petitioner to enjoy peaceful possession of the property situated at Survey No.138/3, Om Sakthi Nagar, Kovilambakkam Village, Chennai - 117.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police 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 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.''

5. Accordingly, this Criminal Original Petition is dismissed and if so advised, the petitioner is at liberty to approach the Civil Court to workout his remedy.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rgi/shk

To

1. The Inspector of Police,
S 10, Pallikaranai Police Station,
Pallikaranai, Chennai - 100.
2. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.S.Manuraj, Advocate, S.R.No.32757

CrI.O.P.No.11497 of 2022

NRL(CO)
RLP(16/06/2022)