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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.14488 of 2022

P.Eakathai

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Chengalpattu District 603 002.

2.The Deputy Superintendent of Police,
Madhuranthagam,
Chengalpattu District 603 306.

3.The Inspector of Police,
G-10, Anaicut Police Station,
Pavanjur, Chengalpattu District.

4.M.Kanniappan
5.M.Sanjaiganthi
6.M.Selvamani
7.M.Ramachandran
8.M.Ananthan
9.D.Karthik
10.D.Parthi

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., praying, to direct the respondents 1 to 3 to give police protection to the life of the petitioner and her family members and also to give adequate police protection to the petitioner for the purpose of completing the pending construction work of the petitioner's living house, situated at New Colony, Kalkulam Village, Cheyyure Taluk, Chengalpattu District and comprised in survey no.47, measuring to an extent of 10 cents, in pursuant to the petitioner's complaint dated 09.06.2022.

For Petitioner : Mr.N.Ramesh

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



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O R D E R

This Criminal Original Petition has been filed to direct the respondents police to provide police protection to the petitioner.

2. The learned counsel for the petitioner would submit that since the petitioner is the owner of the property, the respondents 4 to 10 were jointly demolished the house of the petitioner worth about Rs.2,00,000/- and trying to interfere with the petitioner's property. Hence, he seeks protection.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that there is rivalry claim between the parties and four persons were claiming the said property.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents police.

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. 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.''

6. In view of the above, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

shk/nr



To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Chengalpattu District 603 002.

2.The Deputy Superintendent of Police,
Madhuranthagam,
Chengalpattu District 603 306.

3.The Inspector of Police,
G-10, Anaicut Police Station,
Pavanjur, Chengalpattu District.

4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.N.Ramesh, Advocate SR.No.38932

Crl.O.P.No.14488 of 2022

SVI (CO)
GMY (05/07/2022)