

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.15034 of 2022

S.Senthil Kumar

... Petitioner

Vs.

1.The Commissioner of Police,
Salem City,
Salem, Salem District.

2.The Assistant Commissioner of Police(South),
Salem City,
Annadhanapatti,
Salem-636 006, Salem District.

3.The Inspector of Police,
Annadhanapatti Police Station,
Salem-636 006, Salem District.

4.L.Sundaram

5.K.Venkatesh Raja

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., praying, to direct the respondents 1 to 3 to provide police protection to the petitioner based on the complaint of the petitioner dated 11.06.2022.

For Petitioner : Mr.K.Selvaraj

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

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondents 1 to 3 to provide police protection to the petitioner based on the complaint of the petitioner dated 11.06.2022.

2. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that it is a case of family dispute and a petition for divorce is already pending between the parties.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 to 3 and perused the materials available on record.

4. At the outset, this Court is of the view, such a protection cannot be granted. Since 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.''

5. In view of the above, this Criminal Original Petition is dismissed. The parties shall work out their remedies in the Family Court.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

nr/ksa-2

To

1.The Commissioner of Police,
Salem City,
Salem, Salem District.

2.The Assistant Commissioner of Police(South),
Salem City,
Annadhanapatti,
Salem-636 006, Salem District.

3.The Inspector of Police,
Annadhanapatti Police Station,
Salem-636 006, Salem District.

4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Selvaraj, Advocate SR.No.41302

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KK(CO)
CB(20/07/2022)