



Crl.O.P.No.16065 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.16065 of 2022

John Britto

... Petitioner

Vs.

1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.

3.Christopher

4.Amalorpavamary

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., praying, to direct the second respondent police to provide police protection to the petitioner based on the petitioner's complaint dated 14.05.2022 to the second respondent Police.

For Petitioner : Mr.R.Balaguru Swamy

For Respondents : Mr.Leonard Arul Joseph Selvam for R1 & R2,
Government Advocate (crl.side)



Crl.O.P.No.16065 of 2022

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ORDER

This Criminal Original Petition has been filed to direct the second respondent police to provide police protection to the petitioner based on the petitioner's complaint dated 14.05.2022.

2. The learned counsel for the petitioner would submit that there is a property dispute between the petitioner and his siblings for the past two years. With regard to the same, Writ petition is also pending before this Court. He would further submit that there is life threat to the petitioner by his siblings. Hence, he seeks police protection.

3. Mr.Leonard Arul Joseph Selvam, learned Government Advocate (crl.side) for the respondents police would submit that there is rival claim between the petitioner and his brother and sister.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondents police.



CrI.O.P.No.16065 of 2022

5. 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. 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.

12.07.2022

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order

shk



Crl.O.P.No.16065 of 2022

N.SATHISH KUMAR,J.
shk

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- To
- 1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
 - 2.The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
 3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.16065 of 2022

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