



W.P.(MD)No.8699 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	21.07.2023
Delivered on	11.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.8699 of 2023

C.M.Samy

... Petitioner

Vs.

1. The Deputy Inspector General of Police,
Madurai Range, Madurai District.

2. The Commissioner of Police,
Madurai City, Madurai.

3. The Superintendent of Police,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in Na.Ka.No. 306-1/10/Ma.Maa.tha.P/Ma.Maa/2022 dated 10.03.2023 and quash the same and consequently direct the 3rd respondents to consider the petitioner representation dated 12.12.2022 to provide Police Escort.



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For Petitioner : Mr.J.Vijayaraja

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)

ORDER

This petition is filed challenging the proceedings of the third respondent passed in Na.Ka.No.306-1/10/Ma.Maa.tha.P/Ma.Maa/2022 dated 10.03.2023 and for a consequential direction to the third respondent to provide armed escort basing on the representation of the petitioner dated 12.12.2022.

2. According to the petitioner, he is practising Advocate and social activist thereby there is a threat to his life as there are number of enemies on account of his philanthropic activities he filed a representation dated 12.12.2022 but it was dismissed and hence sought for suitable directions by setting aside the orders passed by the police dated 10.03.2023.

3. The respondents police have filed a detailed report showing number of cases pending against the petitioner as accused. The respondents police have also filed a status report of the Superintendent



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of Police, Madurai District, who is the authority to provide protection according to which police have conducted an inquiry in respect of the threat perception of the petitioner and found that there is no threat to his life and liberty of the petitioner thereby declined to provide armed protection.

4. The police protection cannot be given to any person on demand even one is prepared to pay the wages and other salaries of the armed person being provided for protection. In case if a person is not capable to pay the charges and if the police are of the opinion that there is a threat to the life, then the protection will have to be given by the police. Whether police protection is required or not will have to be decided only by the police department. In case if the petitioner is of the opinion that there is a threat to his life, he is expected to furnish all the details as to why he is having the said apprehension. Further, whenever this kind of situation arises, police will examine the issue in all angles and if necessary provide protection with armed guard.



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5. Further it has become now a fashion to some of the persons to be guarded by the armed police even though there is no such requirement. There are number of cases registered against the petitioner alleging that he has committed offences. There is no record to show that some attempts were made on the person of the petitioner. The petitioner failed to file any additional material which necessitate this Court to direct the police to give protection to the petitioner.

6. In view of the above and considering the report of the respondents police, this Court is not inclined to grant relief as sought for by the petitioner and accordingly, this petition stands dismissed. No costs.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



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To

1. The Deputy Inspector General of Police,
Madurai Range, Madurai District.
2. The Commissioner of Police,
Madurai City, Madurai.
3. The Superintendent of Police,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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Dated:11.09.2023