



W.P(MD) No.18942 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.08.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.18942 of 2020

Jaffar Ibrahim

... Petitioner

-Vs-

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Home Department
Secretariat, St.George Fort,
Chennai -9.
2. The Director General of Police
South Region
O/o. Director General of Police
Trichy.
3. The District Superintendent of Police
Pudukottai District,
Pudukottai
4. The Inspector of Police
Nagudi Police Station,
Nagudi.
5. Burhan Bin Kamaldeen
(R5 impleaded vide court order
dated 12.08.2021)

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to provide adequate police protection to save the



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petitioner's life and his family members living in Arasarkulam Village without any fear and dignity on the payment of necessary charges or issue an appropriate direction.

For Petitioner	: Mr. G.Jeremiah
For R1 to R4	: Mr. R.M.Anbunithi Additional Public Prosecutor
For R5	: Mr.S.Saravanakumar

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the respondents 1 to 3 to provide adequate police protection to save the petitioner's life and his family members living in Arasarkulam Village without any fear and dignity on the payment of necessary charges or issue an appropriate direction

2. According to the petitioner, on 29.11.2020 the accused persons entered into the house of the petitioner and caused damage to the building and broke open the wooden bureaus and cupboards and looted 120 sovereigns of gold and title deeds of the properties. Therefore he gave complaint before the respondents but they have not taken any action. Further on 30.11.2020, the accused persons along with 30 gangsters came to the house and demolished one portion of the house and at that time the petitioner called the police over



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phone. The police people came to the place of occurrence but they have not stopped the illegal activities of the private respondents , they stood as silent spectators without stopping the illegal acts. They went to the tea shop and relaxed. The inaction on the part of the police gives more encouragement to the accused persons and they demolished the house. The petitioner thereafter gave representation dated 02.12.2020 for taking action but the said representation was not considered by the police officials, hence he has filed the present petition for seeking police protection.

3. No counter was filed by the respondents.

4. The learned counsel for the petitioner would contend that already the private respondents damaged the house of the petitioner and thereby he gave complaint to the police but no action was taken. Thereafter again the private respondents damaged the house and therefore the police came to the place of occurrence but they have not prevented the illegal activities of the respondent and they stood as silent spectators and there is a threat to the petitioner and thereby the petitioner has sent representation dated 02.12.2020 the same was not considered, hence he has filed the petition with a prayer to issue direction for giving police protection to the petitioner.



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5. The learned Additional Public Prosecutor appearing for the respondents would contend that already the representation of the petitioner was considered and thereafter First Information Report was also registered as against the accused persons who were involved in the occurrence. Disciplinary proceedings also initiated against the police officials thereby there is no threat to the petitioner and now there is no need to give protection to the petitioner.

6. Heard both sides and perused the materials available on record.

7. On perusal of the record, it is observed that already civil suit is pending between the parties and also First Information Report was also registered as against some of the private parties for their illegal acts. According to the learned Additional Public Prosecutor disciplinary proceedings was also initiated against the police officials. Now the petitioner has filed this petition for police protection. The dispute in this case is with regard to the house property and wherein civil proceedings is also pending before the Civil Court. The learned counsel appearing for the private respondents argued that since the civil dispute is pending between the parties and the main dispute is



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with regard to the house the petitioner cannot seek any remedy for police protection through this petition. To support his contention he relied on the judgment of the Hon'ble Division Bench of this Court in the case of ***G.Anand .vs. The Inspector of Police, ICF Police Station, Chennai***, wherein this Court has held as follows:

4. It is trite to say that function of the police authorities is to control law and order and to investigate the crime. The objective is not to be an arbiter of civil dispute. The police authorities, thus, cannot take over the job of Civil Court to adjudicate the disputes and that being the problem appears to have been redressed by 4 G.O.Ms.No. 1580, dated 24.11.2008. Suffice for us to say that G.O.Ms.No.1580, dated 24.11.2008 should be followed in letter and spirit and the process of investigation of any crime has to be in accordance with law laid down by the highest Court.

8.On careful reading of the above said judgment it is clear that the police authorities cannot take over the job of the civil Court to adjudicate the disputes. As rightly contended by the learned counsel for the private respondent, at this stage police protection cannot be given to the petitioner in view of the above case and other cases decided by the Hon'ble Supreme Court.



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8. Therefore the petitioner is not entitled for any relief as prayed for in this petition .However if any life threat made by any individual, the petitioner can very well approach the concerned police for seeking appropriate remedy.

9. With the above observation, the Writ Petition stands disposed of. No costs.

02.08.2023

Index : Yes/No
Internet : Yes/No
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5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
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P.DHANABAL, J.

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