



CrI.O.P.(MD)No.8842 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.8842 of 2024

K.Senthil

... Petitioner

versus

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Deputy Superintendent of Police,
Aruppukottai Police Circle,
Virudhunagar District,
Virudhunagar.
3. The Sub Inspector of Police,
Kariapatty Police Station,
Virudhunagar District.
4. Kaleeswari
5. Kumar

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C. seeking a direction to the respondents 1 to 3 to provide with adequate police protection to the life and limb of the petitioner and his family members, on the basis of the petitioner's complaint dated 11.06.2024.



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For Petitioner : Mr.K.Safar Badhusha
For R1 to R3 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed for a Mandamus directing the respondents 1 to 3 to provide police protection to the life and limb of the petitioner and his family members, by considering his complaint dated 11.06.2024.

2. The petitioner claims that he is the District Secretary of a National Political Party. He has purchased a car, namely, Toyota Innova Crista, which stands in the name of the 4th respondent, for total sale consideration of Rs.22 lakhs and he has paid a sum of Rs.10 lakhs as advance amount. Thereafter, he has paid the balance amount of Rs.12 lakhs to the 4th respondent, but, the RC book was not handed over by the 4th respondent. When the petitioner approached the 4th respondent for the RC book, she demanded him to pay a sum of Rs.8,50,000/-. Thereafter, on 08.06.2024, the 4th respondent along with her accomplice came to the petitioner's house and demanded him to pay the amount of Rs.8,50,000/-



and also threatened him. Hence, he is before this Court seeking police protection.

3. This Court feels it relevant to refer to the decision of the Hon'ble Supreme Court in ***Ramveer Upadhyaya Vs. R.M.Srivastava and others*** reported in **2013 (7) Scale 564**, wherein it has been held as follows:

"7.However, in our experience, we have hardly seen any security of 'Z' or 'Y' category provided to any ordinary citizen howsoever, grave the threat perception or imminent danger may be to the person concerned. The petitioner, however, has claimed it obviously as a 'privileged class' by virtue of being an ex-minister which at times, may be justified even to an ex-minister or any other dignitary, considering the nature and function of the duties which he had discharged, which could facilitate the assessment of his threat perception even after laying down the office. But what exactly is his threat perception and whether the same is grave in nature, obviously will have to be left to be decided by the authorities including the authorities of the State or the Centre which may include even the Intelligence Bureau or any other authority concerned which is entitled to assess the threat perception of an individual. But in so far as the Court of law is concerned, it would obviously be in a predicament to come to any conclusion as to whether the



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threat perception alleged by a person claiming security is grave or otherwise which would hold him entitled to the security of a greater degree, since this is clearly a question of factual nature to be dealt with by the authorities entrusted with the duty to provide security after assessing the need and genuineness of the threat to any individual."

4. As held by the Hon'ble Supreme Court, the threat perception as alleged by the petitioner is clearly a question of factual nature to be dealt with by the authorities concerned, after assessing the need and genuineness of the threat perception. Therefore, this Court is not inclined to entertain this petition. It is always open to the petitioner to set the law in motion by lodging a complaint, if so advised.

5. Accordingly, this Criminal Original Petition is dismissed.

05.07.2024

Index : Yes / No.
Internet: Yes / No.
NCC : Yes/No.
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Virudhunagar.
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Virudhunagar District,
Virudhunagar.
3. The Sub Inspector of Police,
Kariapatty Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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