



Crl.OP(MD)No.22114 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22114 of 2025

S.Karthikeyan

... Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. by its Home Secretary,
Secretariat,
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
O/o. the Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai – 600 004.
3. The Inspector General of Police Intelligence,
(Internal Security),
Marutham Complex,
Chennai – 600 028.
4. The Inspector General of Police,
O/o. the Inspector General of Police,
Southern Zone,
Madurai.
5. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.



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6. The Deputy Inspector General of Police,
Tirunelveli Zone,
Tirunelveli.

7. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

8. The Inspector of Police,
Perumalpuram Police Station,
Palayamkottai,
Tirunelveli.

.... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents to provide adequate police protection to the petitioner's life and limb by considering the representation of the petitioner dated 24.03.2025 and 01.11.2025.

For Petitioner : Mr.G.Thalaimutharasu

For R-1 to R-8 : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the respondents to provide adequate police protection to the life and limb of the petitioner by considering his representations dated



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24.03.2025 and 01.11.2025, and to pass appropriate orders in accordance with law.

Preface:

2. This Criminal Original Petition is an invocation of the inherent jurisdiction of this Court seeking a direction for consideration of police protection, premised on the petitioner's assertion of continuing and credible threat to his life, allegedly arising out of his public and organisational activities over several decades, coupled with past incidents of violence, surveillance, intimidation, and prior grant of protection.

3. The relief sought is not for perpetual or automatic protection, but for a lawful reconsideration of threat perception by the competent authority, particularly in light of earlier incidents recorded, prior police protection extended, and subsequent withdrawal thereof.



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Case of the petitioner:

4. The petitioner states that he has been associated with public and organisational activities since the late 1980s, and has held various responsibilities at district and zonal levels, which necessitated frequent travel, public interaction, and organisational coordination. According to the petitioner, over the years, his activities led to ideological hostility from certain extremist and fundamentalist elements, resulting in direct threats, surveillance, and attempts at intimidation.

5. The petitioner specifically narrates that as early as 1993, he received explicit telephonic threats of being shot, compelling him to lodge complaints with the local police. He further refers to incidents where:

(i) His commercial establishments were vandalised during communal disturbances;

(ii) He was physically assaulted with intent to murder during riots;



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(iii) Certain individuals allegedly photographed and monitored his movements near public places, his shop, and organisational offices;

(iv) Statements were allegedly made in post-riot meetings suggesting that office bearers of Hindu organisations should be eliminated.

6. The petitioner asserts that these incidents were not isolated, but part of a continuing pattern, especially following communal tensions in 2018, during religious processions at Senkottai and surrounding areas. He further states that despite repeated complaints to higher police authorities, no effective or sustained preventive action was taken against the persons allegedly involved in threatening activities.

7. The petitioner points out that:

(i) He had earlier approached this Court in Crl.O.P.(MD) Nos. 8468 of 2020 and 11762 of 2021,

(ii) On prior occasions, police protection was granted, including the deployment of a Personal Security Officer (PSO),



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(iii) Such protection continued until 21.03.2025, after which it was withdrawn.

8. The grievance of the petitioner is that after withdrawal of protection, despite a change of residence and fresh representations dated 24.03.2025 and 01.11.2025, no decision has been communicated, leaving him exposed to the same class of threats that existed earlier.

9. The learned Additional Public Prosecutor, on instructions, submitted that, police protection had been granted earlier based on threat perception. The protection was withdrawn only after a review by the competent Security Review Committee. As per the assessment, no imminent threat existed warranting continued personal security. It was contended that decisions regarding police protection are administrative and security-centric, based on intelligence inputs, and Courts ordinarily ought not to substitute their views for that of expert security agencies.



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10. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

11. The issue that arises for consideration is whether, in the facts and circumstances of the case, the respondents are required to reconsider the petitioner's representations for police protection, keeping in view the past incidents, earlier grant of protection, and the petitioner's allegation of continuing threat?

Analysis:

12. It is trite law that no individual has a vested right to permanent police protection, and that security cover is neither a status symbol nor a matter of entitlement, but is entirely dependent upon threat perception, which must be periodically reviewed. At the same time, the right to life under Article 21 of the Constitution of India casts a positive obligation upon the State to take reasonable measures to protect individuals when credible threats are brought to its notice.



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13. Courts have consistently held that while they will not dictate the nature, scale, or duration of security, they can certainly ensure that, (i)the decision-making process is fair, (ii)relevant materials are considered, (iii)past incidents and earlier assessments are not ignored mechanically.

14. In the present case, certain aspects stand out:

(i) The petitioner has documented incidents spanning over three decades, including threats, assault, vandalism, and surveillance,

(ii) Police protection was not merely sought but actually granted earlier, which indicates that at some point, the threat perception was found to be real,

(iii) The protection was withdrawn, but the petitioner asserts fresh incidents and continued surveillance thereafter,

(iv) Representations dated 24.03.2025 and 01.11.2025 are stated to be pending without a reasoned response.

(v)Non-consideration of representations by common public by statutory authorities within a stipulated period of time , is nothing but dereliction of statutory duty.



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15. This Court is conscious that threat perception is dynamic and may diminish or escalate depending on circumstances. However, withdrawal of protection does not preclude fresh consideration, especially when subsequent representations cite continuing or revived threats.

16. Importantly, this Court is not expressing any opinion on the petitioner's ideological claims or the culpability of named individuals. The focus is solely on procedural fairness and constitutional obligation. In matters of security, silence or inaction on representations alleging threat may itself undermine public confidence in the protective framework of the State.

17. Therefore, the appropriate course is not to straightaway direct deployment of security personnel, but to mandate a reasoned reconsideration by the competent authority, taking into account, the petitioner's past experiences, the factum of earlier protection, current intelligence inputs and ground-level assessment of vulnerability.



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18. In view of the above discussion, this Criminal Original Petition is allowed in part, with the following directions:

i.) The respondents are directed to consider the petitioner's representations dated 24.03.2025 and 01.11.2025, afresh, strictly in accordance with law.

ii.) While doing so, the competent authority shall take into account the earlier threats faced by the petitioner, the past grant of police protection, and any subsequent incidents narrated in the affidavit.

iii.) A reasoned order shall be passed, based on current threat assessment, as to whether adequate police protection is warranted, and if so, the nature and scale of such protection.

iv.) The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

19. It is made clear that this Court has not adjudicated upon the merits of the alleged threats or named individuals, and the decision shall rest entirely on the objective satisfaction of the security authorities.



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Epilogue:

20. Protection of life is a constitutional promise, but its implementation must be institutional, balanced, and intelligence-driven. Courts serve as guardians of process, ensuring that genuine apprehensions are neither dismissed perfunctorily nor addressed arbitrarily. With these observations, the petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

02.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Home Secretary,
Secretariat,
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
O/o. the Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai – 600 004.
3. The Inspector General of Police Intelligence,
(Internal Security),
Marutham Complex,
Chennai – 600 028.



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4. The Inspector General of Police,
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7. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
8. The Inspector of Police,
Perumalpuram Police Station,
Palayamkottai,
Tirunelveli.
9. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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