



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.3577 of 2022

Josephine Rafael

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari District.

2. The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

3. Bayes Rafael

... Respondents

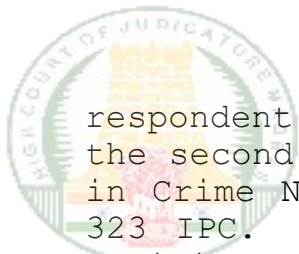
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents 1 and 2 to provide adequate police protection to petitioner's life and limb in light of the proceedings in Na.Ka.En.102/A3/2022, dated 25.01.2022 on the file of the District Social Welfare Officer, Kanyakumari District.

For Petitioner	: Mr.J.Pandi Dorai
For Respondents	: Mr.B.Thanga Aravindh
	Government Advocate (Criminal Side)
	for R.1 & R.2
	: Mr.K.Sami Durai for R.3

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the respondents 1 and 2 to provide adequate police protection to petitioner's life and limb in the light of the proceedings in Na.Ka.En.102/A3/2022, dated 25.01.2022, on the file of the District Social Welfare Officer, Kanyakumari District.

2. The case of the prosecution is that on 28.01.2021, the third respondent trespassed into the petitioner's property and abused her in filthy language and also assaulted her and caused injuries. He also gave life threat to the petitioner and other family members, due to which, the petitioner sustained injuries and she was admitted in the hospital. Even after recording her statement, the second



respondent did not take any action. However, only on 30.12.2021, the second respondent registered a case against the third respondent in Crime No.562 of 2021 for the offences under Sections 294(b) and 323 IPC. The third respondent is none other than the son of the petitioner. However, he is torturing the petitioner and also assaulted her. In fact, the petitioner is being taken care of by her daughter and she is providing food, shelter and other medical needs. Though the third respondent is duty bound to take care of the petitioner, he has been neglecting his duties as a son towards his mother. In fact, the petitioner's daughter approached the District Welfare Officer, Kanyakumari and directed the second respondent to provide adequate police protection to the petitioner.

3. Considering the above, the second respondent is directed to provide adequate police protection to the petitioner at the hands of the third respondent herein in the manner known to law. Further, the second respondent is directed to complete the investigation in Crime No.562 of 2021 and file the final report within a period of 12 weeks from the date of receipt of copy of this order. It is also made clear that the second respondent is directed to take appropriate action as against the third respondent, if he indulges in the same activities as he done before.

4. Considering the above, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.



3. The District Social Welfare Officer,
Kanyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.PANDI DORAI, Advocate (SR-13314[F] dated
21/03/2022)

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-13279[F] dated 21/03/2022)

Crl.O.P(MD)No.3577 of 2022
21.03.2022

KG(CO)
KB(05.04.2022) 3P 7C