



W.P.(MD)No.24894 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

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THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.24894 of 2022

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... Petitioner

Vs.

- 1.The Deputy Inspector General of Police,
Tirunelveli Range,
Office of the Deputy Inspector General of Police,
Tirunelveli.
- 2.The Superintendant of Police,
Kanyakumari District, Nagercoil.
- 3.The Deputy Superintendant of Police,
Kanyakumari, Kanyakumari District.
- 4.The Inspector of Police,
Suchindaram Police Station,
Suchindarm, Kanyakumari District.
- 5.The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the second Respondent to take appropriate action against the accused persons and to give adequate Police protection to the life and limb of the Petitioner and her family members based on the Petitioner's representation dated 21.06.2022 within a time limit stipulated by this Court.



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For Petitioner :Mr.A.Mohamed Hashim
For Respondents :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submitted that this Writ Petition had been filed seeking for a Writ of Mandamus to direct the second Respondent to take appropriate action against the accused persons and to give adequate Police protection to the life and limb of the Petitioner and her family members based on the Petitioner's representation dated 21.06.2022 within a time limit stipulated by this Court.

2.This Writ Petition had been filed by the mother of the POCSO case victim. It is the submission of the learned Counsel for the Petitioner that a case had been registered against the Accused Nos. 1 to 5 in Cr.No. 336 of 2021 under the provisions of POCSO Act and after investigation, the Investigation Officer had laid final report before the Court of the learned Special Judge, POCSO Act cases, Kanniyakumari District. It is the further submission of the learned Counsel for the Petitioner that the accused was granted statutory bail and released on 07.01.2022 before filing of the final report.



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3.The Investigation Officer had given written instruction to the learned Additional Public Prosecutor, based on which, the learned Additional Public Prosecutor submitted that there is no such incident, as mentioned in the Writ Petition.

4.The responsibility to provide protection to the Petitioner and her daughter rests on the Superintendant of Police, Kanniyakumari. If what is stated by the Petitioner is accepted, accepting the written instruction to the learned Additional Public Prosecutor, if something untoward happens to the witness including the Petitioner and her daughter herein, the Inspector of Police, All Women Police Station, Kanniyakumari District, should be held responsible for the consequence. The Superintendant of Police, Kanniyakumari District, is directed to provide Police protection to the Petitioner herein and to her daughter. Also, the Superintendant of Police, Kanniyakumari District, is directed to hold an enquiry regarding the conduct of the Inspector of Police, All Women Police Station, Kanniyakumari District, regarding the contents of the affidavit filed by the mother of the victim before this Court in the Writ Petition.

5.Registry is directed to send a copy of this order to the Inspector General of Police, Southern Zone, for appropriate action.



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6. With the above directions, this Writ Petition is disposed of. No costs.

15.11.2022

Index : Yes / No

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To

1. The Special Judge, POCSO Act cases, Kanniyakumari District.
2. The Inspector General of Police, Southern Zone, Madurai.
3. The Deputy Inspector General of Police,
Tirunelveli Range,
Office of the Deputy Inspector General of Police,
Tirunelveli.
4. The Superintendant of Police,
Kanniyakumari District, Nagercoil.
5. The Deputy Superintendant of Police,
Kanniyakumari, Kanniyakumari District.
6. The Inspector of Police,
Suchindaram Police Station,
Suchindarm, Kanniyakumari District.
7. The Inspector of Police,
All Women Police Station,
Kanniyakumari, Kanniyakumari District.
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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