



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Ninth day of June Two Thousand and Twenty Three

PRESENT

The Hon'ble Mr. Justice C. SARAVANAN

CMP(MD). No. 6685 of 2023  
in

TR CMP(MD). No. 282 of 2023

1 Asmitha Alankritha, ... Petitioner/Respondent

Vs

1 Ashwanth Pothy, ... Respondent/Petitioner

**Prayer in CMP(MD). No. 6685 of 2023:**

The Petition filed under Section 151 of C.P.C., to direct the El Singanallur Police Station, Coimbatore District to give adequate Police Protection to the petitioner and the minor child by accompanying the petitioner and the minor child during their travel to and from Coimbatore to Madurai and Madurai to Coimbatore, and during their stay at Madurai pending disposal of the above Tr. CMP and thus render justice.

**Prayer in TR CMP(MD). 282/ 2023 :**

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the G.W.O.P. No. 606 of 2023 on the file of Learned Principal Family Court Judge, Coimbatore and transfer to the file of the Learned Family Court Judge at Madurai and pass such further or other orders, as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

**ORDER :** The Civil Miscellaneous Appeal coming on for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. R. Devaraj, Advocate for the petitioner and of Mr. A. Mohamed Haneef for M/s. M. Anbarasi, Advocate for the Respondent and Mr. P. Kottaichamy, Government Advocate (Crl Side) for the police, this Court made the following order:-

The present civil miscellaneous petition has been filed by the petitioner, who is the respondent in the above transfer civil miscellaneous petition.

2. By an order, dated 25.05.2023, the Court had ordered the petitioner to appear on 02.06.2023. However, the petitioner was unable to appear. The learned counsel for the petitioner informed the Court that the petitioner met with an accident. Therefore, the case was adjourned to 06.06.2023. On that day, the learned counsel for the petitioner submitted that the petitioner will appear on 14.06.2023.



3. The learned counsel for the petitioner submits that the petitioner apprehends threat to her life. Hence, the petitioner has requested for police protection.

4. Mr.Kottaichamy, learned Additional Public Prosecutor submits that the appropriate application can be made to the Commissioner of Police, Coimbatore City to give police protection subject to payment of necessary charges.

5. The learned counsel for the respondent/husband submits that the petitioner has not been complied with the order of the Court. The attempt of the petitioner is only to delay the proceedings and the petitioner is making lame excuses.

6. I have considered the arguments advanced by the learned counsel for the petitioner, learned Additional Public Prosecutor and the learned counsel for the respondent/husband.

7. The petitioner is entitled for police protection in view of the apprehension expressed in the affidavit filed in support of the present civil miscellaneous petition. Consequently, the Commissioner of Police, Coimbatore City shall provide adequate police protection to the petitioner when the petitioner starts her journey from Coimbatore to Madurai for attending the hearing fixed on 14.06.2023 at 02.15 pm before this Court and for her safe return to Coimbatore City.

8. Necessary charges shall be paid by the petitioner in connection with the police protection directly to the office of the Commissioner of Police, Coimbatore City in advance. The amount to be paid by the petitioner in advance to the Commissioner of Police, Coimbatore City shall however be reimbursed by the respondent on 14.06.2023, considering the fact that the above Transfer Civil Miscellaneous Petition has been filed by the respondent/husband and it is at the behest of the respondent/husband, the petitioner is required to be present on 14.06.2023 before this Court along with the child.

9. Post on 14.06.2023 at 02.15 pm at Chamber.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)



CMP(MD).



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TO

The Commissioner of Police,  
Coimbatore City.

Copy to:

1. Asmithaalankritha,  
W/o. Ashwanth Pothy,  
3A Raja Nagar,  
1st Street Sowripalayam, Coimbatore South,  
Coimbatore - 641028.

2. Ashwanth Pothy,  
S/o. Murugesh,  
Flot No. 642, 6<sup>th</sup> East Cross Street,  
K.K. Nagar,  
Madurai-625 020,

ORDER DATED : 09/06/2023

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ORDER  
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CMP(MD). No. 6685 of 2023  
in

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Giving direction and etc.  
as stated within.

MGJ(09.06.2023) 3P 4C