



Crl.O.P.(MD)No.3049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

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Malarvizhi

.. Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Kanyakumari District
2. The Superintendent of Police
Office of the Superintendent of Police
Ramanathapuram District
3. The Deputy Superintendent of Police
Office of the Superintendent of Police
Nagercoil Sub Division
Kanyakumari District
4. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Kamuthi Sub Division
Ramanathapuram District
5. The Inspector of Police
Kottar Police Station
Kanyakumari District
6. The Inspector of Police
All Women Police Station, Kamuthi
Ramanathapuram District

7.Azhagarsamy

.. Respondents



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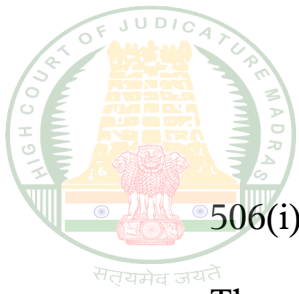
PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents 1 to 6 to provide adequate police protection to the petitioner, who is L.W.1 in C.C.No.337 of 2022 on the file of the learned Judicial Magistrate, Kamuthi as per Witness Protection Scheme, 2018 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.M.Sakthi Kumar
No.1 to 6 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the respondents 1 to 6 to provide police protection to the petitioner who is witness in C.C. No.337 of 2022 on the file of the learned Judicial Magistrate, Kamuthi as per Witness Protection Scheme.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the wife of the seventh respondent and already they were residing separately. The petitioner is residing at Kanyakumari District and the second respondent is residing at Ramanathapuram District. While so, earlier the petitioner lodged complaint against the seventh respondent before the sixth respondent and they registered a case in Crime No. 13 of 2022 for the offences under Sections 294(b), 354(A), 354 (c) ,



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506(i) of IPC and Section 4 of TNPHW Act and the case is posted for trial.

The seventh respondent is causing threat to the petitioner from deposing in the above said case, thereby she sent a representation to the respondents 1 to 6 on 08.02.2024 but the same has not been considered. Still the petitioner is facing threat from the seventh respondent, therefore the present petition is filed.

3. The learned Government Advocate(Crl.Side)appearing for the respondents 1 to 6 would submit that based on the complaint given by the petitioner against the seventh respondent a case has been registered in Crime No. 13 of 2022 for the offences under Sections 294(b), 354(A), 354 (c) , 506(i) of IPC and Section 4 of TNPHW Act and thereafter they conducted investigation and filed final report and now the case is pending in C.C. No.337 of 2022 before the learned Judicial Magistrate, Kamuthi and the case is posted for examination of witnesses. This petitioner is arrayed as L.W.1 in this case. The petitioner has also filed another petition for transfer of case. There is no life threat to the petitioner as alleged by her. However they are ready to give protection to the petitioner for attending the Court for examination.



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4. Considering the limited scope of prayer sought for in this petition even without issuing notice to the seventh respondent this Court is inclined to pass orders. The prayer sought for by the petitioner is to give police protection to the witness to depose before the learned Judicial Magistrate, Kamuthi in C.C. No.337 of 2022. The respondent police denied the alleged threat as stated by the petitioner. However they are ready to give protection .

5. Therefore considering the stage of case and the petitioner is also one of the witnesses in the said case this Court directs the respondents 1 and 2 to take appropriate steps to extend the witness protection Scheme to the petitioner and take appropriate measures for the petitioner to depose before the learned Judicial Magistrate, Kamuthi as witness in C.C.No.337 of 2022.

6. In view of the same, this Court directs the learned Judicial Magistrate, Kamuthi to fix a date for examination of the petitioner as witness i.e., C.C.No.337 of 202 and simultaneously send a request to the respondents 1 and 2 for production of witnesses before the Court. On such



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request the respondents 1 and 2 have to take steps to produce the witness before the Court.

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7. With the above said direction, the Criminal Original Petition stands disposed of.

01.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Superintendent of Police
Office of the Superintendent of Police
Kanyakumari District
2. The Superintendent of Police
Office of the Superintendent of Police
Ramanathapuram District
3. The Deputy Superintendent of Police
Office of the Superintendent of Police
Nagercoil Sub Division
Kanyakumari District
4. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Kamuthi Sub Division
Ramanathapuram District
5. The Inspector of Police
Kottar Police Station
Kanyakumari District

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6. The Inspector of Police
All Women Police Station, Kamuthi
Ramanathapuram District

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



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P.DHANABAL,J.

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