

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.13890 of 2016
and CrI.MP.No.7093 of 2016

Venkatesh .. Petitioner
Vs

1.The Inspector of Police,
W-8, A.W.P.S. Thirumangalam,
Chennai - 600 101.

2.Vanitha .. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to S.C.No.379 of 2015 on the file of the Mahila Court at Chennai and to pass orders in the interest of justice quashing the above.

For Petitioner : No appearance

For Respondent [R1] : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The petitioner has filed this petition praying to quash the records pertaining to S.C.No.379 of 2015 on the file of Mahila Court, Chennai-600 104.

2. No representation for the petitioner on account of boycott of Courts. However, in Harish Uppal [Ex.Capt.] Vs Union of India, reported in [2003] 2 SCC 45, the Hon'ble Supreme Court has held that boycott of Courts is illegal and therefore, this Court perused the records, heard the learned Additional Public Prosecutor and passed orders.

3. On a complaint dated 31.05.2015, lodged by Vanitha that her minor daughter was sexually abused by the petitioner, the respondent Police registered a case in Crime No.16 of 2015, and after completing the investigation, has filed a final report, which is pending on the file of the Mahila Court, Chennai-600 104, in S.C.No.379 of 2015 for the offence under Section 4 of POCSO Act 2012, challenging which, the petitioner is before this Court for quashing the prosecution.

4. On a reading of the final report, it is seen that there are several materials for the trial to proceed against the petitioner. According to the petition, the incident has taken place on 27.05.2015, but the complaint was lodged only on 31.05.2015 and that the FIR was registered with a delay.

5. In the considered opinion of this Court, in a case where a child is abused, one cannot expect the parents to rush to the police station immediately in this country. That apart, the learned Additional Public Prosecutor has submitted that the trial in this case has began and witnesses PW1 to PW3 have been examined on 05.02.2016.

6. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ds

To

1.The Inspector of Police,
W-8, A.W.P.S. Thirumangalam,
Chennai - 600 101.

2.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Cr1.OP.No.13890 of 2016

WEB COPY