

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36747 of 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the action of the respondents in registering the case in crime No.107 of 2016 by invoking provisions under Protection of Children from Sexual Offences Act, 2012, on the file of the third respondent as illegal and arbitrary, and consequently to direct the third respondent not to take any coercive steps against the petitioners including arrest of the petitioners.

Heard and perused the material.

Learned counsel for the petitioners submits that the complaint is lodged by the fourth respondent in the year 2016, under the provisions of the Protection of Children from Sexual Offences Act, 2012, for the alleged occurrence took place in the year 2007, which is not permissible in law. Hence, he prays this Court to quash the same.

Considering the facts and circumstances of the case, this Court is not inclined to quash the proceedings at the threshold. However, taking into consideration the fact that the alleged occurrence took place in the year 2007 and the crime is registered in 2016, the third respondent is directed to complete the investigation without arresting the petitioners and file final report, if any, in accordance with law. The first petitioner is directed to appear before the third respondent as and when required for the purpose of medical examination during the course of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

31.10.2016
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