

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.21569 of 2017
and Cr.MP. No. 12682 of 2017

Gouthaman

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
Kancheepuram Taluk Police Station,
Kancheepuram.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the proceedings in Crime No.802/2017 on the file of the Respondent Police for the offences under Sections 406,420,363,366 (A) r/w Section 109 of IPC.

For Petitioner : M/s.S.Paul Gnanamuthu
For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

The petitioner has been arrayed as fourth accused in Crime No.802 of 2017, the overt act as against this petitioner in the complaint is that he had accompanied with one Manimaran for the purpose of mortgaging the jewels of defacto complainant's daughter and also accommodate the defacto complainant's daughter after she allocated. The main grievances of the defacto complainant is that his daughter was seems to have been missing.

2. The learned Additional Public Prosecutor submit that, it is the case where the victim girl has been kidnapped by one Manimaran, who has been arrayed as A1. The role of the petitioner herein, who was arrayed as A4 , gave protection to the A1 and the victim girl. Since the girl is aged about 17 years at that time, the offence under Section POCSO has been made out.

3. It is seen from the dispute that the role of the petitioner herein/4th accused was that he had only assisted by the first respondent and hence, the offence under the POCSO Act may not be made out as against this petitioner. Even the overt acts constituting the other offences alleged in the complaint are not as against this petitioner. Hence, it would not be appropriate to direct the respondent to proceed against this petitioner.

4. The learned counsel for the petitioner submits that even if the proceedings are quashed against the petitioner herein, he is always willing to co-operate with the investigation, if so required.

5. In view of the same, the investigation in First Information Report in Crime No.802/2017 on the file of the respondent police insofar as this petitioner herein is quashed. It is made clear that in case, the respondent police is of the view that the petitioner's appearance is required at any time during investigation, he shall co-operate with the such investigation.

The Criminal Original Petition stands allowed accordingly. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Kancheepuram Taluk Police Station,
Kancheepuram.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Paul Gnanamuthu, Advocate, S.R.No.90007

Cr1.O.P.No.21569 of 2017

ad(co)
cs/11/01/18