

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7353 of 2019

1.R.N.Manikandan
2.Zaheeruddin Mohammed

... Petitioners

Vs

1.The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu 603 002
Kancheepuram District.

2.The Child Welfare Committee,
Represented by its Chairperson
and Member, Chengalpattu,
Kancheepuram.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to alter the FIR No.57 of 2019 dated 06.02.2019 on the file of the respondent police and include Section 377 of IPC, Section 75 of Juvenile Justice Act 2015 & Section 17 of POCSO Act 2012 and also include the warden namely V.Murugesan of the Government Reception Home, Athur, Kancheepuram District.

For Petitioners : Mr.Shaikh Mehrunisa

For Respondents : Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents to alter the FIR No.57 of 2019 dated 06.02.2019 on the file of the respondent police and include Section 377 of IPC, Section 75 of Juvenile Justice Act 2015 & Section 17 of

POCSO Act 2012 and also include the warden namely V.Murugesan of the Government Reception Home, Athur, Kancheepuram District.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents.

3.The petitioners submit that as per the direction of the Hon'ble High Court the Secretary of the Legal Service authority while inspecting the reception home at Athur Kancheepuram District had stumbled upon a glaring case of child sexual abuse in the Government reception home at Athur which is also housing the After Care Home for boys between the age group 18 plus and 21 years. While interacting with the four inmates sheltered in the reception home including the two minors in question namely Runa Guard Nike and Lingeshwaran, the Secretary was taken aback as the children told him the gruesome story of being sexually assaulted by a 19 years old boy namely Shanmugam repeatedly as that boy was holding a shaving blade every time he entered the reception home dormitory to threaten these children into submission. The reception home is being run by the Department of Social Defence is a facility where the children between the age group of 18 plus and 21 are being sheltered. This facility is being handled by a Warden, a Cook, Watchman, quite a few Gardeners and Sanitary workers. The reception home had only 4 minor children to be looked after.

3.1.The overheads incurred by the Government as the salary and other allowances of these staffs should be upto 4 to 5 lakh rupees per month. It is still a mystery how a 19 Year boy managed to enter the dormitory where the hapless children found on the streets produced and ordered to be sheltered temporarily by the CWC. One of the victim even had a head injury and was treated (stitches) upon at the government hospital but no case was preferred either by the management of the children home or the CWC which is the custodian of these children till the date of the inspection by the Secretary on 05.02.2019. Subsequently, a complaint was given by the CWC and an FIR No.57 of 2019 dated 06.02.2019 under Sections 411, 324, 506(2) of IPC & Sections 5 (1) & 6 of POCSO Act 2012. Hence, the petitioner filed this Criminal Original Petition.

4.Considering the above facts and circumstances, the ***first** respondent is directed to **conduct** enquiry **(*)** and pass order within a period of two weeks from the date of receipt of a copy of this order.

5.With the above observations, this Criminal Original Petition is disposed of.

Sd/-
Deputy Registrar(CS)
Dated:06/05/2019

*Corrected as per
the order of this Court
dated 03.07.2019

*Sd/-
Assistant Registrar(CS-III)
Dated:10/07/2019

//True Copy//

Sub Assistant Registrar

rna

To

1.The Inspector of Police,
Chengalpattu Taluk P.S.,
Chengalpattu - 603 002,
Kancheepuram District.

To be substituted to the
order already despatched on
01/07/2019

2.The Chairperson & Member,
The Child Welfare Committee,
Chengalpattu, Kancheepuram.

3.The Inspector of Police,
Maraimalainagar Police Station,
Kancheepuram District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Shaikh Mehrunisa, Advocate, S.R.No.31320

PPA(CO)

RRS(10/05/2019)

srg 11/07/2019

WEB COPY

Cr1.O.P.No.7353 of 2019