

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.OP No.32281 of 2019

and

Crl.M.P.Nos.17732 & 17736 of 2019

Murugan

.. Petitioner/Accused 1

Vs.

1.The Inspector of Police,
All Women Police Station
Polur, Thiruvannamalai District.

.... Respondent/Complainant

2.Surutaiyan

.. Respondent 2/Defacto Complainant

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records concerned in Spl.S.C.No.125 of 2019 on the file of the Mahila Court at Vellore, Vellore District and quash the same insofar as the petitioners are concerned or delete his name from the charge sheet.

For Petitioner : Mr.B.Lenin Balu

For Respondents : Mrs.Saratha Devi.V for R1
Government Advocate (crl.side)

O R D E R

This Criminal Original Petition is filed to call for the entire records concerned in Spl.S.C.No.125 of 2019 on the file of the Mahila Court at Vellore, Vellore District and quash the same insofar as the petitioners are concerned or delete his name from the charge sheet.

2. By relying upon the Accident Register, the learned counsel for the petitioner would submit that the victim has not spoken about the sexual intercourse and hence, the offences under POCSO Act is not made out. However, the statement of the victim girl, as well as the other witnesses, clearly speaks about the physical relationship of the accused with the victim and therefore, I do not find any infirmity in framing of the charges against the petitioner for the offence under the POCSO Act. Nevertheless, if the petitioner is of the view that such statements cannot be relied upon, it is always open to him to

establish the same before the trial Court and this Court may not be justified in quashing the proceedings at this stage, by invoking its inherent powers under Section 482 of Cr.P.C.

3. In the light of the above observations, the Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vkr/vsn

To

- 1.The Inspector of Police,
All Women Police Station
Polur, Thiruvannamalai District.
- 2.The Mahila Court,
Vellore District
- 3.The Public Prosecutor,
High Court, Madras.

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nr 17/02/2020

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