



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5657 of 2019

WEB COPY

S.Ganeshan

... Petitioner

Vs.

- 1.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Keelakarai Sub-Division,
Ramanathapuram District.
- 4.The Inspector of Police,
Uthirakosamangai Police Station,
Earvadi, Ramanathapuram District.
- 5.E.Gopal

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct respondent Nos.1 and 2 instruct the respondent No.3 to include necessary penal sections from the Protection of Children from Sexual offences Act and from the Indian Penal Code and also from the SC/ST Act in crime No.13 of 2019 pending on the file of the fourth respondent police station and to take necessary action on the basis of the petitioner's representation dated 21.03.2019 within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani
For R1 to R4 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to respondent Nos.1 and 2 to instruct the respondent No.3 to include necessary Penal Sections from the Protection of Children from Sexual offences Act and from the Indian Penal Code and also from SC/ST Act in crime No.13 of 2019 pending on the file of the fourth respondent police station and to take necessary action on the basis of the petitioner's representation, dated 21.03.2019 within the time stipulated by this Court.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents.

3. The petitioner herein is the defacto complainant and he belongs to Schedule Caste Community. When the petitioner's daughter/victim minor girl was waiting for a bus, at that time, the accused persons misbehaved the victim girl. Therefore, the defacto complainant gave a complaint before the respondent police. Thereafter, the respondent police registered a case in Crime No.13 of 2019 under Section 294(b) IPC and Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes Act. Since the proper Sections are not included, the petitioner filed this petition to include necessary penal Sections from the Protection of Children from Sexual Offences Act.

4. The learned counsel for the petitioner would submit that though the petitioner made a complaint against the fifth respondent alleging that the fifth respondent/first accused in an intoxicate mood misbehaved the petitioner's daughter/minor girl, the complainant registered the case only under Section 294(b) IPC and Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes Act, without including Section 506(i) IPC and Sections 11 and 12 of POCSO Act and hence, he prayed for appropriate direction in this petition.

5. The learned Government Advocate (criminal side) would submit that the investigation is pending and during the investigation, if any cognizable offence is find out, the Law Enforcing Agency will include the appropriate Sections.

6. The submission made by the learned Government Advocate (criminal side) is recorded. Since the investigation is still pending, after completing the investigation, the respondent police shall file final report, after considering all the relevant materials.

7. With the above observation, this Criminal Original Petition is dismissed. However, if any adverse opinion expressed, the petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar

/ True Copy /



1. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Keelakarai Sub-Division,
Ramanathapuram District.
4. The Inspector of Police,
Uthirakosamangai Police Station,
Earvadi, Ramanathapuram District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-61514[F] dated 22/04/2019)

CrI.O.P. (MD) No.5657 of 2019

ES/06.05.2019/3P/7C