



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction**

**Tuesday, the Fifteenth day of October Two Thousand and Nineteen
PRESENT**

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.13069 of 2019

J. Jersy,
D/o.P.Jose, Palayam, Meicode Post 629 804,
Kanyakumari District. ... Petitioner/Victim

/ VERSUS /

- 1 The Secretary to Government,
Home Department,
State of Tamilnadu, Secretariat,
Chennai 600 009.
- 2 The District Collector,
Kanyakumari District at Nagercoil.
- 3 The Superintendent of Police,
CBCID - Head Quarters (South Zone),
SIDCO Electronics Complex, Block No.3, First Floor
Guindy Industrial Estate, Chennai 600 032.
- 4 The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 5 The Inspector of Police,
CBCID, Nagercoil, Kanyakumari District.
- 6 The Inspector of Police,
All Women Police Station, Nagercoil,
Kanyakumari District (Crime No.16 of 2019) ... Respondents

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying this Court to issue a direction directing the 3rd and 5th respondents or any other independent investigation agency under the supervision not below the rank of Superintendent of Police to conduct fair and proper enquiry under the provisions of Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and relevant Penal Provisions of IPC, in connection with Crime No. 16 of 2019, on the file of 6th Respondent and to file final report thereon, within the time frame by this Honourable Court.



ORDER:- This Criminal Original Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.T.Arul, Advocate for the Petitioner and of Thiru.K.Suyambulingabharathi, Government Advocate (Criminal Side) on behalf of the Respondents, this Court made the following order:

This petition has been filed for transfer of investigation in Crime No.16 of 2019 registered under 8 of the Protection of Children from Sexual Offences Act, 202 (POCSO Act) on the file of the sixth respondent herein.

2. The learned Government Advocate (crl. Side) appearing for the respondents would submit that investigation has completed and the same was closed as 'Mistake of Fact'. The sixth respondent also served a copy of the referred charge sheet to the petitioner and the petitioner appeared before the concerned Jurisdictional Magistrate and yet to file protest petition.

3. The learned counsel appearing for the petitioner/victim has filed a affidavit of the victims and submitted that without conducting proper investigation the sixth respondent has closed as 'Mistake of Fact'.

4. Considering the above submissions made on either side, this Court deem fit to direct the Additional Superintendent of Police, Kulaichal, Kanyakumari District to re-investigate the victims who are all filed affidavit before this Court and file status report. The petitioner and other victims are directed to appear before the Additional Superintendent of Police, Kulaichal, Kanyakumari District on 19.10.2019 & 20.10.2019 for investigation. The fourth respondent /Superintendent of Police is directed to monitor the investigation done by the Additional Superintendent of Police, Kulaichal, Kanyakumari District and ensure that the Additional Superintendent of Police, Kulaichal, Kanyakumari District comply the order passed by this Court, within a stipulated by this Court.

5. After conducting investigation, the Additional Superintendent of Police, Kulaichal, Kanyakumari District is directed to file status report before this Court on 25.10.2019.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)



TO

- 1 The Secretary to Government,
Home Department,
State of Tamilnadu, Secretariat,
Chennai 600 009.
- 2 The District Collector,
Kanyakumari District at Nagercoil.
- 3 The Superintendent of Police,
CBCID - Head Quarters (South Zone),
SIDCO Electronics Complex, Block No.3, First Floor
Guindy Industrial Estate, Chennai 600 032.
- 4 The Superintendent of Police,
Kanyakumari District at Nagercoil.
5. The Additional Superintendent of Police,
Kulaichal, Kanyakumari District.
- 5 The Inspector of Police,
CBCID, Nagercoil, Kanyakumari District.
- 6 The Inspector of Police,
All Women Police Station, Nagercoil,
Kanyakumari District (Crime No.16 of 2019)
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

+2 Ccs to Mr.T.Arul, Advocate (SR Nos. 92024 and 92121)

ORDER DATED : 15/10/2019
HEARING DATE : 25/10/2019

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ORDER
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CRL OP (MD) No.13069 of 2019

Giving direction and etc.
as stated within.

SGS (CO)

TR(16.10.2019).3P 11C