



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.10.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18775 of 2021

I.Illaththarasi

... Petitioner

Versus

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent herein to take further action to alter or incorporate the POCSO Act in Crime No.369 of 2021 dated 22.06.2021 in accordance with law take necessary legal action.

For Petitioner : Ms.V.Chellammal

For Respondents: Mr.R.Vinothraja
Government Advocate (Crl.Side)

O R D E R

The Criminal Original Petition is filed to direct the respondent herein to take further action to alter or incorporate the POCSO Act in Crime No.369 of 2021 dated 22.06.2021 in accordance with law and take necessary legal action.

2. The petitioner/defacto complainant, lodged a complaint for missing of her daughter and a case in Crime No.396 of 2021 was registered for the offences under Section 366(A) of IPC. The grievance of the petitioner is that the respondent fails to include the under the POCSO Act.

3. The petitioner states that her daughter is a minor and her date of birth is 30.01.2004. The accused viz., Vicky S/o. Mohan, forced her daughter to love him. Hence, In



order to safeguard her daughter, the petitioner left her daughter with her mother in Cuddalore on 20.05.2021. However, the said Vicky kidnapped his minor daughter, which has been witnessed by her brother Povzaraghavan and sister-in-law Dhanushu, who attempted to save his daughter. Despite the specific allegations have been made, the respondent police had not included the offence under the POCSO Act and also not arrested the accused. Hence the above petition.

4. The learned Government Advocate (Crl.Side) submits that the investigation is in progress and the victim girl on her own had appeared before the respondent police and informed that she was left with her aunt at Kallapatti for the past 1 1/2 month, since she was chased away from the house by her mother and uncle. Further the said Vicky is nothing to do with any kidnapping and she had not joined with the said Vicky by force or with consent. In the 164 statement recorded on 07.07.2021, the victim girl had confirmed the same. The investigation is in progress and as and when the materials are collected, appropriate Section would be incorporated.

5. Recording the same, this Criminal Original Petition is closed. However, the respondent police is reminded that since the victim is a minor girl, proper investigation has to be conducted

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

drm/dna

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Ms.V.Chellammal, Advocate Sr.NO. 54848

CRL.O.P.No.18775 of 2021

JPL(CO)

A.SK(07.12.2021)