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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.OP.NO.21081 OF 2021

- 1.B.Ramaiya
- 2.R.Essakiyammal
- 3.R.Boothalingam
- 4.R.Krishnamal

... Petitioners

Versus

1. State rep. by
The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai - 600 118.
2. The Deputy Commissioner of Police,
Office of the DCP, Pulliyanthope,
No.75, Perambur Barracks,
Pulliyanthope,
Chennai - 600 012.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the first respondent and his subordinates not to harass the petitioners under the guise of enquiry regarding girl missing case in Crime No.1723 of 2021 on the file of the respondent police except by due process of law.

For Petitioners : Mr.S.Jim Raj Milton

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to direct the first respondent and his subordinates not to harass the petitioners under the guise of enquiry regarding girl missing case in Crime No.1723 of 2021 on the file of the respondent police except by due process of law.



2.The grievance of the petitioners is that they all hail from Kanyakumari District. In the guise of enquiry, they have been unnecessarily called and harassed by the respondent police.

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3.The learned Additional Public Prosecutor submits that one Annapoorani had lodged a complaint on 03.08.2021, to the respondent police and a case in Crime No.1723 of 2021 came to be registered for girl missing. On 02.08.2021, the said Annapoorani's daughter viz., Gayathripriya, a minor girl is said to have been kidnapped by one Venkat. The petitioners are the relatives of the said Venkat. The information is that the petitioners are giving asylum to the said Venkat and the minor girl Gayathripriya, who has been forcibly kidnapped by the aforesaid Venkat. For the purpose of enquiry, the respondent police have monitored the phone calls of Venkat and missing girl Gayathripriya, that is the reason the petitioners have called for enquiry. With the help of tower location, the respondent police have gone to Kanyakumari and tried to secure the minor girl. But the petitioners had left the place and not available. For the purpose of securing the minor girl the petitioners have been called, which cannot be termed as harassment.

4.He further submits that the petitioners herein had sent a representation on 01.11.2021, through speed post, which was received by the second respondent on 03.11.2021. In the said representation, they admitted about the relationship between the Venkat and the minor girl and the investigation being carried out in Crime No.1723 of 2021. The said minor girl and their relative Venkat had eloped due to the love affair and come to their residence, informing them they got married with the help of the Church and they got accommodation. The only excuse of the petitioners is that they were not aware about the FIR registered then. Whatever be the reason, the petitioners have admitted about their relative Venkat and minor girl coming to them and they arranged accommodation. In view of the same, the petitioner being called for enquiry, cannot be termed as harassment and this Criminal Original Petition is liable to be dismissed.

5.Considering the submissions and on perusal of the materials, it is seen from the admission letter given by the petitioners that they have given asylum to the minor girl and their relative Venkat. In view of the same, this Court finds that it is a clear case of offence involving POCSO Act, the respondent police are directed to alter the FIR and take appropriate action as per law.



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6. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai - 600 118.
2. The Deputy Commissioner of Police,
Office of the DCP, Pulliyanthope,
No.75, Perambur Barracks,
Pulliyanthope,
Chennai - 600 012.
3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.S.Jim Raj Milton, Advocate, S.R.No.58949

Cr1.OP.No.21081 of 2021

JPL(CO)
RLP(02/12/2021)