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CrI.O.P.No.22740 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.22740 of 2021 and
CrI.M.P.No.12392 of 2021

Vergin Inneshes

..Petitioner

Versus

1. The State

Represented by the Inspector of Police,
Oragadam Police Station,
Kancheepuram District.
(Crime No.1700 of 2020)

2. Amulraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.1700 of 2020 pending on the file of the 1st respondent police and quash the entire proceedings.

For Petitioner : Mr.D.Senthil Kumar
For Respondents : Mr.E.Raj Thilak (R1)
Additional Public Prosecutor



CrI.O.P.No.22740 of 2021

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.1700 of 2020 pending on the file of the 1st respondent police and quash the entire proceedings.

2. The contention of the learned counsel appearing for the petitioner is that the Date of Birth of the victim is 10.06.2001 as per her school records and therefore on the date of alleged occurrence, she was a major and aged 19 years and three months. He further submitted that according to the prosecution, the victim is said to be mentally challenged person, due to which she had not attended any school but the petitioner obtained school certificate which reveals that victim is a school going student and also a major and therefore offence under Protection of Child from Sexual Offences Act, will not get attracted. He further submitted that due to family dispute, a false case has been foisted against the petitioner.

3. The learned Additional Public Prosecutor submitted that in



Crl.O.P.No.22740 of 2021

this case investigation has been completed and the charge sheet was made ready on 05.07.2021 and since the victim is mentally challenged person they are yet to receive the I.Q. report. He further submitted that the Charge Sheet will be filed immediately on receipt of the I.Q. report.

5. Considering the submissions made by the learned counsel appearing on either side, finding that investigation is almost completed and the charge sheet is yet to be taken on file, the points raised by the petitioner is with regard to age of the victim as per the POCSO Act to be decided by the Trial Court at the initial stage and proceed with the trial, if required.

With the above observations, this Criminal Original Petition is disposed of. Consequently, connected M.P. is closed.

08.12.2021

Index: Yes/No
Internet: Yes/No
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3/6



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CrI.O.P.No.22740 of 2021

M.NIRMAL KUMAR, J.

arr

To

1. The Inspector of Police,
Oragadam Police Station,
Kancheepuram District.

2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.22740 of 2021

08.12.2021