



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.3345 of 2019
(Through video Conference)

C.Latha

.. Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Home Department,
Fort St.George,
Chennai.

2.The District Collector,
Madurai District,
Madurai.

3.The Superintendent of Police,
District Police Office,
Madurai District,
Madurai.

4.The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.

5.The Inspector of Police,
Villoor Police Station,
Madurai District.

6.The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents herein to provide victim compensation, police protection, legal assistance, appointing special investigation officer as well as special public prosecutor under POCSO Act, 2012, based on the petitioner's representation dated 13.08.2018 and 03.12.2018.



For Petitioner : Mr.D.Srinivasaragavan
For Respondents : Mr.B.Thanga Aravindh
Government Advocate

O R D E R

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The mother of the minor victim of aggravated penetrative sexual offence is before this Court seeking mandamus to provide victim compensation, police protection, legal assistance and to appoint special investigation officer and special Public Prosecutor.

2. According to the petitioner, on 15.07.2018, her daughter aged about 15 years was rapped forcibly by two persons. The complaint was lodged to the fifth respondent police on 17.07.2018. Case was registered in Crime No.36 of 2018. While so, the accused persons, who came out on bail started threatening her to withdraw the case registered against them. In this connection, representations, dated 13.08.2018, 25.10.2018 and 03.12.2018 were sent to the higher officials, but no action taken, hence the present writ petition.

3. The learned Additional Public Prosecutor representing the State would submit that the case has been investigated and final report has been filed against two persons before the Special Court for POCSO Offences at Madurai. Case has been taken up on file in Special S.C.No.69/2019. Enough protection to the victim as well as witnesses been provided and investigation was conducted and after completion of investigation, final report filed against the accused persons for the offence under Sections 5(1) r/w 6, 16 and 17 of POCSO Act and Section 366-A of IPC. It is also assured by the learned Additional Public Prosecutor that adequate protection is provided to the victim as well as the list of witnesses and the special Public Prosecutor has been adequately proved by the investigation officer and the case is adjourned to 19.01.2022 for Public Prosecutor to open the case under Section 226 of Cr.P.C.

4. Recording the same, the writ petition is disposed of directing the respondents to meticulously follow the directions of the Hon'ble Supreme Court rendered regarding the victim protection as well as the statute regarding the protection of witnesses. No Costs.

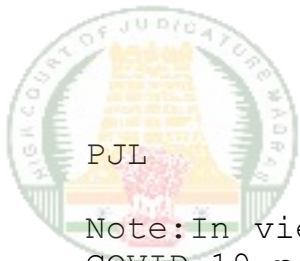
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Secretary to Government,
State of Tamil Nadu,
Home Department,
Fort St.George,
Chennai.

2.The District Collector,
Madurai District,
Madurai.

3.The Superintendent of Police,
District Police Office,
Madurai District, Madurai.

4.The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.

5.The Inspector of Police,
Villoor Police Station,
Madurai District.

6.The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-38699[F] dated
14/12/2021)

W.P. (MD) No.3345 of 2019
14.12.2021

SS (CO)

KB (04.01.2022) 3P 9C

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