



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20481 of 2021

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AS,

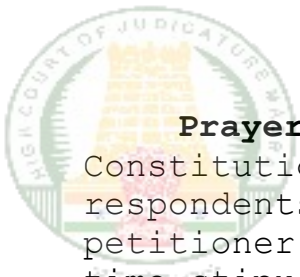
D/o.Masilamani,

(Rep. through her natural guardian / mother,
Masilamani)

... Petitioner

Vs.

1. The Principal Secretary,
Union of India,
Department of Women and Child Development
Maharana Pratap ISBT Complex,
Kashmere Gate,
New Delhi - 110 006.
 2. The Principal Secretary,
Department of Home, Prohibition and Excise,
State of Tamil Nadu,
Fort St. George, State Secretariat,
Chennai - 600 009.
 3. The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
 4. The Additional Director of Police,
The Crime against Women and Children,
Chennai.
 5. The Inspector General of Police,
Central Zone, Trichy - 621 004.
 6. The Superintendent of Police,
Pudhukottai District,
Pudhukottai.
 7. The Inspector of Police,
All Women police station,
Alangudi,
Pudhukottai District.
- ... Respondents
(Respondents 1 to 5 are exonerated from the array of parties as
per the order of this Court dated 16.11.2021)



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to take appropriate action by considering the petitioner's daughter representation dated 03.11.2021 within the time stipulated by this Court.

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For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor
For R6 and R7

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 6 and 7.

2. The other respondents are unnecessary parties and they are exonerated from the array of parties.

3. The petitioner before this Court states that she was sexually abused by the persons named in her complaint. The petitioner was born on 06.06.2004 and as on date, she is a minor. According to the petitioner, the seventh respondent has not taken any action. Hence, she was constrained to file this writ petition.

4. When the matter was taken up for hearing, the learned Additional Public Prosecutor on instructions submitted that Crime No.11 of 2021 was registered on the file of the seventh respondent for the offence under Section 4(1) of the Protection of Children from Sexual Offences Act, 2012.

5. A mere registration of the criminal case is not sufficient. The seventh respondent has to ensure that steps as contemplated by the statute are also expeditiously carried out. The petitioner will have to be taken for medical examination. Of course the accused will have to be arrested. I am conscious that no Court can direct the investigation agency to arrest the accused. But offences him under the Protection of Children from Sexual Offences Act may come into different category. The Protection of Children from Sexual Offences Act provides for payment of compensation. Even interim compensation can also be paid. However, those reliefs cannot be granted in these proceedings. It is for the petitioner or her next friend to move the jurisdictional Court for appropriate relief. The petitioner's statement will have to be recorded under Section 164 of Cr.P.C. by the concerned Magistrate. The investigation officer has to ensure that all steps as contemplated by the statute are fully carried out.



6. With these directions to the seventh respondent, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

PMU

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 Superintendent of Police,
Pudhukottai District,
Pudhukottai.
2. The Inspector of Police,
All Women police station,
Alangudi,
Pudhukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No. 20481 of 2021
16.11.2021

RK(29/11/2021) 3P 4C