



Crl.O.P.Nos.3028 & 3029 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.3028 & 3029 of 2019

and

Crl.M.P.No.2007 of 2019

Crl.O.P.No.3028 of 2019

S.R. Afzallunnisha

... Petitioner

Vs.

The Inspector of Police,
Virudhachalam All Women Police Station,
Cuddalore.

... Respondent

Prayer: Criminal Original Petition is filed under section 407 of Cr.P.C., to transfer SPL.SC.No.53/2018 from Cudalore District Mahila Court to the file of Erode District Mahila Court.

For Petitioner : Ms. Rashidhunnishaa

For Respondent : Mr. N.S. Suganthan,
Government Advocate (Crl.Side)



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R.Rashidhunnisa

... Petitioner

Vs.

The Inspector of Police,
Virudhachalam All Women Police Station,
Cuddalore.

... Respondent

Prayer: Criminal Original Petition is filed under section 482 of Cr.P.C., to call for the records and to quash the part of the proceeding of the petitioner in Crime No.12 of 2014 and Spl.S.C.No.53 of 2018 under Section 11 of the Prohibition of Child Marriage Act, and POCSO Act under Section 17.

For Petitioner : Ms. Rashidhunnishaa

For Respondent : Mr. N.S. Suganthan,
Government Advocate (Crl.Side)

COMMON ORDER

Based on the complaint given by one Affzallunnisha, the respondent police has registered a case for the offences under Sections 9, 10 and 11 of Child Marriage Act and Section 3 and 4 of POCSO Act and as well as Section 498(A) IPC.



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2. The said crime has been investigated and culminated in filing final report against 9 accused. Being case for offence under POCSO Act, the matter now been transfered to Special Court for POCSO offences from the District Mahila Court, Cuddalore and renumbered as Spl.C.No.15/2019. The victim herein has filed Crl.O.P.No.3028 of 2019 to transfer the case from Cuddalore to Erode alleging that the Presiding Officer of District Mahila Court, Cuddalore is harassing her and her mother incidentally one of the accused in this case) and he is reducing the modesty stating that her mother is the only breadwinner of the family, the matter may be transferred from Cuddalore to Erode.

3. The third accused Rashidhunnisa has filed Crl.O.P.No.3029 of 2019 to quash the case against her alleging that there is lapse in the investigation and she being the parent of the victim child cannot be an accused in the case alleging that the case has been designed by the first accused Syed Babu and by some members of Jamad, the case has been registered against her.



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4. Canvassing the merit of the complaint, in detail, the petition is filed to quash the part of the proceedings implicating the petitioner (third accused). It is a case where, the victim is minor at the time of occurrence. The mother of the victim is practicing advocate at Salem, she is arrayed as one of the accused in this case, on being *prima facie* satisfied from the material collected in the course of the investigation. Now, it appears that the victim girl and mother had joined together.

5. The petition filed by the victim girl for transfer, she has made certain allegation against Presiding Officer. Now, the fact remains that the case has been transferred to POCSO Court and therefore, even if any burden of proof in the said allegation, is no more available for the petitioner. This Court would add to say that there cannot be any truth in the said allegation since same is not found in the petition filed by the mother for quash the complaint.



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6. Above all, learned Government Advocate (Crl.Side) brought to the notice of this Court that in fact the petitioner in Crl.O.P.No.3028 of 2019, the alleged victim girl and the petitioner in Crl.O.P.No.3029 of 2019/A3 in that case had attacked A1/Babu on 20.03.2019, when he was coming out of the Mahila Court, Cuddalore and the case has been registered against petitioner in Crime No.126 of 2019 under Sections 294(b), 352 and 506(ii) IPC.

7. While that being so, irresponsible allegation made against Presiding Officer to achieve an object. If it is unlettered person or uneducated person who has made this allegation, this Court could have ignored. Unfortunately, this allegation is made by member of the bar who had held the office of Government Pleader in the District.

8. To say the least, the petitioner in Crl.O.P.No.3039/2019 try to deceive the Court and the investigating agency to fall at her command and



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manipulate the Court proceedings, the Court finds no merit in these two petitions and hence, the criminal original petitions are dismissed.

07.07.2022

AT

Internet : Yes

Index : Yes/No

Speaking / Non-speaking



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Crl.O.P.Nos.3028 & 3029 of 2019

Dr.G.JAYACHANDRAN,J.

AT

To

1.The Inspector of Police,
Virudhachalam All Women Police Station,
Cuddalore.

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.Nos.3028 & 3029 of 2019 and
Crl.M.P.No.2007 of 2019

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