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Crl.O.P.No.13159 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA
KURUP**

Crl.O.P.No.13159 of 2021

and

Crl.M.P.No.7228 of 2021

Asha

... Petitioner

Versus

1.The Deputy Superintendent of Police
Thayarkulam
Kanchipuram.

2.The Inspector of Police
G3, All Women Police Station
Melmaruvathur
Kanchipuram District
(Crime No.1 of 2016)

3.Aravindan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondents to conduct re-DNA test, directing the concerned person to collect blood samples of all the three persons in the presence of one of the counsel for the Petitioner to ensure



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the procedures are strictly adhered with in Crime No.1 of 2016 on the file of the Inspector of Police, G3 All Women Police Station, Melmaruvathur, Kanchipuram District.

For Petitioner : Mr.S.Lokesh
for Mr.C.Raja

For Respondents : Mr.L.Baskaran for R1 & R2
Government Advocate (Crl.Side)

: R3- No appearance

ORDER

This petition had been filed to direct the Respondents to conduct re-DNA test, by directing Authority concerned to collect blood samples of all the three persons in the presence of one of the counsel for the Petitioner to ensure the procedures are strictly adhered to in Crime No.1 of 2016 on the file of the Inspector of Police, G3 All Women Police Station, Melmaruvathur, Kanchipuram District.



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2. The Petitioner is seeking DNA test regarding the paternity of the child born to the Petitioner. When the Petitioner was a teenage girl, the third Respondent developed friendship with her and under the guise of love, he had sexual intercourse with the Petitioner, resulting in the Petitioner becoming pregnant. Hence, the parents of the Petitioner preferred a complaint with the second Respondent. Based on the complaint, First Information Report was registered under the provisions of Section 376 of IPC and under the provision of POCSO Act. Investigation proceeded and the Petitioner and the third Respondent were subjected to DNA test. After completion of investigation, final report was laid before the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under (POCSO) Act, Chengalpattu.

3. The Learned Government Advocate (Crl.Side) submitted that as per the DNA report obtained from the Tamil Nadu Forensic Laboratory, the third Respondent, who is alleged to be the father of the minor child born to the Petitioner, is excluded. Not satisfied with the same, the Petitioner had approached this Court.



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4. It is the further submission of the Learned Government Advocate (Crl.Side) that the Petitioner herein is entitled to file a fresh petition, as per the provision of the Code of the Criminal Procedure before the trial Court, for conducting DNA test in any other Laboratory.

5. The submission of the Learned Government Advocate (Crl.Side) eventhough found reasonable, since the Petitioner had approached this Court by claiming that the third Respondent is the father of the child, she is entitled to take fresh DNA test regarding the paternity of the child. Therefore, the Investigating Officer, the Respondents 1 & 2 are directed to subject the Petitioner and the third Respondent for fresh DNA test through the Central Forensic Laboratory, Hyderabad. The Learned Sessions Judge, Fast Track Mahila Court, is directed to proceed further based on the report of the fresh DNA test from the Central Forensic Laboratory, Hyderabad.



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6. With the above directions, this Petition is disposed of.

Consequently, connected Miscellaneous Petition is closed.

22.06.2022

Index: Yes/No

Internet: Yes/No

dna

To

- 1.The Sessions Judge Special Court for
Exclusive Trial of Cases sunder (POCSO) Act,
Chengalpattu.
- 2.The Deputy Superintendent of Police
Thayarkulam
Kanchipuram.
- 3.The Inspector of Police
G3, All Women Police Station
Melmaruvathur
Kanchipuram District
(Crime No.1 of 2016)
- 4.The Public Prosecutor
High Court, Madras.



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SATHI KUMAR SUKUMARA KURUP., J.
dna

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