



Crl.O.P.(MD) No.10352 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	13.06.2022
Delivered on	22.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.10352 of 2022

and

Crl.M.P(MD)No.6454 of 2022

Navaneetha Krishnamoorthy

... Petitioner

Vs.

1.State rep. By
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.12 of 2017)

2.P.Rathika

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records connected with the impugned charge sheet in J.C.No.15 of 2018 on the file of the Court the learned Juvenile Justice Board, Thoothukudi and quash the same.

For Petitioners : Mr.K.Chinraj
For Respondent : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor (for R1)



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ORDER

The petitioner/accused challenges the charge sheet in J.C.No.15 of 2018 pending on the file of the Juvenile Justice Board, Thoothukudi.

2.Fact:- Based on a complaint given by the second respondent, a case in Crime No.12 of 2017 has been registered against the petitioner by the first respondent police. In the complaint, it has been stated that on 19.06.2017 at 01.00 p.m, the petitioner/accused sexually assaulted the minor victim girl (name is not mentioned) at her house. After investigation, the respondent police filed the charge sheet as against the petitioner/accused for the offences punishable under Sections 451, 354A1(i)(ii), 354A(2) and 506(ii) IPC and Section 7, 8, 11, 12 of POCSO Act, 2012 and the same was taken on file as J.C.NO.15 of 2018 by the Juvenile Justice Board, Thoothukudi.

3.The learned counsel for the petitioner/accused submitted that this criminal original petition is filed to quash the charge sheet mainly on the ground that the petitioner/accused was not identified by the victim girl



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and some unknown person had kissed the victim and not by the petitioner/accused. He further submitted that initially, the occurrence was informed to L.W.4 Vimala by the victim and nobody had seen the accused while committing the alleged offence. There are so many contradictions in the statement of the prosecution witnesses P.W.1 to P.W. 11. The age of the victim is also not true. Since no witnesses identified the petitioner/accused at the time of occurrence, the continuance of criminal proceedings is an abuse of the process of the Court. Hence, the learned counsel prays to quash the said proceedings.

4.The learned Additional Public Prosecutor appearing for the first respondent police submitted that the second respondent/defacto complainant clearly stated that the petitioner/accused committed the offence upon her victim daughter. Apart from this, the victim girl gave a statement under Section 164 Cr.P.C and before the Juvenile Justice Board, she clearly identified the petitioner/accused. Hence, he prays for dismissal of this petition.



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5. I have considered the rival submission made by either parties and perused the materials available on record.

6. On perusal of the records, it reveals that the present case has been registered against the petitioner/accused based on a complaint given by the victim's mother, the second respondent herein on 20.06.2017. In the complaint, she alleged that on 19.06.2017 at about 01.00 p.m, while her daughter, 8 years old victim (name not mentioned), was in her house, this petitioner/accused entered into the house and threatened her by showing knife and sexually assaulted. The victim girl mentioned the name of the petitioner/accused. Hence, the second respondent has given the complaint by mentioning the name of the petitioner. On receiving the complaint, the respondent police registered the case under Sections 451, 354A 1(i)(ii), 354A(2) and 506(ii) IPC and Sections 7, 8, 11, 12 of the POCSO Act. After recording the statement of witnesses, the respondent police filed the charge sheet before the Juvenile Justice Board, Thoothukudi and the same was taken on file as J.C.No.15 of 2018.



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7. Further, on perusal of the statement of the victim, it is seen that the victim has clearly mentioned the name of the petitioner/accused as the person sexually assaulted her. Under such circumstances, it is clearly made a triable case. In this case, the prosecution examined 12 witnesses. Perusal of the evidence of the complainant, it reveals that the victim identified the petitioner/accused as he committed the offence. Once the trial has commenced, exercise of power under Section 482 Cr.P.C for quashing the proceedings is not proper. Hence, I find no merits in the Criminal Original Petition.

8. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

22.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
skn



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- 1.The Juvenile Justice Board, Thoothukudi.
- 2.The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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