



Crl.O.P.No.1834 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.1834 of 2022

1. Immanuel
 2. Christoper @ Christopher Kumar
 3. Albert Karunakaran
 4. Sam Easudoss
- ... Petitioners

-Vs-

1. The State represented by
The Inspector of Police,
J-10 Police Station,
Semmancheri,
Chennai-600 119.
 2. The State, represented by
The Deputy Superintendent of Police,
Anti Trafficking Cell,
CB CID,
Chennai-600 032.
 3. The Child Welfare Committee
represented by its Chairperson
and members
No.300 Pursawalkam High Road,
Kellys, Chennai-600 010.
- ... Respondents



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Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.525 of 2010 on the file of the Learned Chief Judicial Magistrate, Chengalpattu and quash the same.

For Petitioners : M/s Shaikh Mehruunnisa Kasim
For R1 and R2 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed challenging the proceedings in C.C.No.525 of 2010 on the file of the Learned Chief Judicial Magistrate, Chengalpattu.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondents 1 and 2 and perused the materials available on record.

3. The case of the prosecution is that the third respondent lodged a complaint alleging that ten children were being kept in suspicious circumstances at the house of the accused. The children were brought from Manipur and admitted in the Reach Children's Home run by the accused. After complaint, all the victims were rescued from the home. There was no evidence to prove that the children were sent with the consent of their parents. All the victims were safeguarded by the Child Welfare Committee.



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4. On receipt of the complaint, the first respondent registered FIR in Crime No.1 of 2010 for the offences punishable under Sections 323, 344, 354 of IPC and Section 23 of the Juvenile Justice Act. After completion of investigation, the first respondent filed a final report for offences under Sections 342, 343, 344, 420, 506(ii) IPC read with Section 34 of IPC read with Section 109 of IPC read with Section 114 of IPC, Sections 23 and 26 of Juvenile Justice Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1988 in C.C.No.525 of 2010. Separate final report was filed as against Juvenile and the same has been taken cognizance by the Juvenile Justice Court in J.C.No.23 of 2013.

5. The final report has been taken cognizance as against A1 to A10 by the Trial Court viz., the learned Chief Judicial Magistrate, Chengalpattu. Subsequently, A3 to A7 absconded and as such, the case has been split up as against the petitioners herein, who are arrayed as A1, A2, A8 and A10 and it is pending in C.C.No.365 of 2021 before the Trial Court.

6. The learned counsel for the petitioners would submit that as against the juvenile, no witness supported the case of the prosecution and as such, the



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juvenile case was acquitted by the Juvenile Justice Court. Insofar as the petitioners are concerned, they are regularly appearing before the Trial Court and they are facing trial without committing any fault. In fact, the third respondent is not the competent authority to lodge any complaint, since this Court repeatedly held that the child welfare authority has no authority to lodge a complaint. Further, she submitted that all the victims are not only girls but also boys and there was no sexual harassment committed by the petitioners. She further submitted that a certificate was issued by the Doctor that on examination of victims, there is no evidence of sexual abuse. No witness is available to bring home the charges. All the witnesses are from Manipur and as such, there is absolutely no chance for conviction and prayed to quash the proceedings.

7. The learned Government Advocate (Crl.side) appearing for the respondents 1 and 2 submitted that there are 11 accused, in which the petitioners are arrayed as A1, A2, A8 and A10. 11th accused is a juvenile. All the victims were brought from Manipur. The petitioners are running a illegal home without any license or permission. In order to use the victims for prostitution, the victims were brought from Manipur. No child was admitted from Tamil Nadu. There are specific allegations as against all the accused. There were 28 witnesses examined on the side of the prosecution before the



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Juvenile Justice Board. Since the 11th accused is a minor, there was no specific overtact against him and as such, he was acquitted by the Juvenile Justice Court.

Insofar as the petitioners are concerned, there are specific overtact against them.

In fact, the accused 3 to 7 absconded and as such, the case has been split up against them. Now, the case is posted for prosecution witness and the witnesses are very much ready to depose against the petitioners.

8. A perusal of records also revealed that each and every petitioners have their specific allegations in order to attract the above said offences. That apart, the petitioners had brought the victims from Manipur. Though some of the children are boys, most of them are girls. Therefore, their intention is very clear and only for sexual abuse, they were brought to Chennai with the help of other accused from Manipur. That apart, there was no consent from the parents of the victims. All the victims are minors and the petitioners had committed a very serious and heinous offence. Only because of A3 to A7, the trial could not be completed and now, the case has been split up in C.C.No.365 of 2021 as against the petitioners and it is pending.

9. In view of the above, this Court is not inclined to quash the proceedings in C.C.No.525 of 2010 on the file of the Learned Chief Judicial



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Magistrate, Chengalpattu. Accordingly, this Criminal Original Petition is dismissed. The Trial Court is directed to complete the trial in C.C.No.525 of 2010, within a period of three months from the date of receipt of a copy of this order.

28.11.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J.

mn

To

The Judicial Magistrate No.III, Salem.



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