



W.P No.20319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.20319 of 2023

Tamizhselvi, 42 years
W/o.Ramachandiran

... Petitioner

vs.

1.Tamil Nadu Commission for Child Protection
No.183/1, EVR, Periyar Salai
Poonamallee High Court
Dossapuram, Kilpauk
Chennai 600 010.

2.Director General of Police
O/o. Director General of Police
Mylapre, Chennai-2.

3.Superintendent of Police
Cuddalore District, Cuddalore.

4.Mr.Ramachandiran
Inspector of Police
Vepur Police Stationery
Cuddalore District
Cuddalore.

5.Mrs.Chandira
Sub-Inspector of Police
Vepur Police Stationery
Cuddalore District
Cuddalore.

6.Venkatesan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 3rd respondent to submit a report to 1st respondent commission to take further action in light of the order passed by 1st respondent in No.1/6802/2023, dated 17.6.2023 in accordance with law.

For Petitioner : Mr.R.Sankarasubbu
for Mr.J.Jayasuriya

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 3rd respondent to submit a report before the 1st respondent in the light of the proceedings dated 17.06.2023.

2.When the matter came up for hearing on 11.7.2023, this Court passed the following order:

The learned Additional Public Prosecutor takes notice on behalf of the respondents.

2. *The learned Additional Public Prosecutor on instructions submitted that Deputy Superintendent of Police, Thittakudi, is conducting an enquiry today and hence, sought for some time.*

3. *The Deputy Superintendent of Police, Thittakudi,*



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shall file a status report before this Court. Post this case under the caption for orders on 25.07.2023.

3. When the matter was taken up for hearing today, the learned Additional Public Prosecutor filed the status report of the DSP, Thittakudi Sub-Division, Cuddalore District. The relevant portions in the status report are extracted hereunder:

8. It is submitted that the detenu/Subashini, submitted a complaint to 1st Respondent / Tamil Nadu Commission for Child Protection on 24.05.2023 who in turn by proceedings No.1/6802/5 dated 17.06.2023 called for a report from the Superintendent of Police, Cuddalore District.

9. It is submitted that during the course of enquiry, I have given order proceedings vide C.No.307/S00-T01/2023, dated 12.07.2023 to the Inspector of Police, Thittakudi All Women Police Station to investigate this case in Veppur PS Cr. No. 47/2023, U/366(A) IPC.

10. It is submitted that based on the above order, the Inspector of Police, Thittakudi All Women Police Station took up the case for investigation on 17.07.2023 and then the Inspector of Police called the detenu through her father's phone and recorded 161(3) Cr.P.C from detenu, in which she has stated that she was studying second year BCA in Bharatiyar College of Arts and Science in Deviyakurichi, Salem District and one Anu is studying Engineering in the college. During Pongal festival, the said Anu told the detenu that the Venkatesan/AI was in love with you. The detenu said that she did not love anyone. After Pongal festival, the detenu went to college, Anu gave her chocolate saying that Venkatesan/AI had bought chocolate for detenu/Subashini but she refused to get and told not to give anything to her. Even after that, A-1 would buy and send chocolate, key chain, toy through Anu to the detenu, but she did not receive anything from her. After that on 02.02.23 at 11.00 pm Venkatesan / AI called the detenu's mother



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Tamilchelvi's cell phone and the detenu picked up the phone and spoke. The accused Venkatesan /A1 said that "I am standing same outside, come out, if you don't come I will die". So, the detenu got scared and went out. There Venkatesan/A1 was waiting in a two-wheeler. He abducted her in his two-wheeler to Rettakurichi Shiva temple. At 12.00 pm, he tied thali around her neck. After that he took her to his younger sister Anandi/A3's home at Rettakurichi. Thereafter, one Seenivasan/K2, who is brother of A1, called A1 over the phone and told that the police are searching for A1 and detenu. After that A1 sent the detenu through his relative from Nainarpalayam in a bus and while the detenu got down at Adari Bus stop, the detenu has stated the 50 respondent / Tmt.Chandra, Sub Inspector of Police secured the detenu and took her in a private car to police station. Further she has stated that Tmt.Chandra, Sub Inspector of Police asked her to tell that no one abducted her and that she went to her friend's home and also asked the detenu to inform the same before the Learned Magistrate.

11. It is submitted that based on the above 161 (3) Cr.P.C statement of Detenu, the Inspector of Police, AWPS, Tittagudi have altered the section of this case from "U/s.366(A) IPC" to "U/s.366 IP 11(iv), 12, 17 of POCSO Act-2012 B.sec.9 of Child Marriage Act again the accused persons Venkatesan/A1, Seenivasan/A2 and Anandhi/A3.

4.The learned Additional Public Prosecutor submitted that the 3rd respondent viz., The Superintendent of Police, Cuddalore, will also submit a report before the 1st respondent on the further course of action that was taken.

5.In the light of the above development, the further proceedings of the DSP, Thittakudi Sub-Division, Cuddalore District, has taken note of and there shall be a direction to the 3rd respondent, to submit a report before the 1st



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respondent within a period of two weeks from the date of receipt of copy of the order.

6.This writ petition is disposed of with the above directions. No costs.

25.07.2023

Index : Yes/No

Neutral Citation Case: Yes/No

KP

To

1.Tamil Nadu Commission for Child Protection

No.183/1, EVR, Periyar Salai

Poonamallee High Court

Dossapuram, Kilpauk, Chennai 600 010.

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O/o. Director General of Police

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6.Public Prosecutor

High Court, Madras.



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N. ANAND VENKATESH, J.
KP

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