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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-11-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.24040 of 2023

And

Crl.MP Nos.16702 and 16704 of 2023

1.Karthika

2.Yokeshwaran

... Petitioners/Accused

Vs.

The Inspector of Police,
All Women Police Station,
Ammamet,
Salem-636 003.
(Crime No.20 of 2022)

... R-1/Complainant

Sakthivel

... R-2/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the entire records concerned in Spl.SC No.287 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Salem, Salem District and to quash the same in so far as the petitioners are concerned.



For Petitioners : Mr.C.Prakasam
For Respondent-1 : Mr.Leonard Arul Joseph Selvam,
Government Advocate
(Criminal Side).

ORDER

The present Criminal Original Petition has been filed to quash the case registered against these petitioners for causing physical torture and sexual harassment to 8 years old child.

2. The petitioners are none other than the mother of the 8 years old child and her paramour. The complaint has been given by her father, which has been taken up for consideration and for filing Final Report.

3. The learned counsel appearing on behalf of the petitioners contended that the complainant, the estranged husband of the first petitioner a mentally sick person, had made out a complaint falsely against his extraneous wife-first petitioner herein and on his former employee-second petitioner herein.

4. This Court is unable to countenance the said submissions



made on behalf of the learned counsel for the petitioners in view of the 161 statement given by 8 years old child and her statement given under Section 164 to the Magistrate. The contention of the petitioners that the child was with the custody of the defacto complainant and the injuries found on her body were to be explained only by the defacto complainant does not carry any merit in view of the statement of the child. Hence, the present Criminal original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

28-11-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1.The Inspector of Police,
All Women Police Station,
Ammamet,
Salem-636 003.

2.The Special Court for Exclusive Trial of Cases under POCSO Act,
Salem,
Salem District.



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DR.G.JAYACHANDRAN, J.

Svn

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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