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CrI.O.P.No.3951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.3951 of 2023

Ramesh

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Madipakkam,
St.Thomas Mount.

2.Kondaih

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., pleaded to call for the records relating to Crime No.1 of 2022 on the file of the Inspector of Police, All Women Police Station, Madipakkam, St.Thomas Mount, Chennai and quash the same.

For Petitioner : Mr.V.Balasubramani

For R1 : Mr.S.Santhosh
Government Advocate (CrI.Side)

For R2 : No appearance



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ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.1 of 2022 on the file of the first respondent police.

2.The learned counsel for the petitioner submitted that the petitioner is a family friend of *de-facto* complainant and he used to render financial assistance to the *de-facto* complainant. The *de-facto* complainant asked the petitioner to marry his daughter, the victim, who was a minor. When the petitioner refused to marry his daughter stating that the victim girl is a minor, a false complaint has been given.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent police submitted that, in the statement of the victim girl recorded under Section 164 of Cr.P.C., the victim girl stated that she had consensual sexual relationship with the petitioner. A complaint was given at the instances of her father. Insofar as the minor girl is concerned, consent of the minor girl for sexual relationship is immaterial.



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4.I have considered the rival submissions made by the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) appearing for the first respondent police and perused the material records of the case.

5.It is seen from the FIR allegation that the *de-facto* complainant alleged that the petitioner had brain washed the *de-facto* complainant's minor daughter and had penetrative sexual relationship with her. When the petitioner was asked about his conduct, he threatened to send them out of place. Later, *de-facto* complainant came to know that the petitioner had penetrative sexual relationship with his daughter for more than two or three months. Therefore, this complaint was given.

6.As rightly pointed out by the learned Government Advocate (CrI.Side) that the victim girl had stated that she had consensual sexual relationship with the petitioner. So far as the minor girl is concerned, consent of the minor girl for sexual relationship is immaterial. From the FIR allegations, the case for prosecution against the petitioner under



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Section 6 of Protection of Child from Sexual Offences Act, 2012 (POCSO) is made. This case has to be necessarily investigated and a final report has be to filed.

7. Therefore, this Court directs the first respondent police to expedite the investigation and file the final report within a period of two (2) months from the date of receipt of a copy of this order.

8. Accordingly, the criminal original petition is dismissed.

23.02.2023

Index: Yes/No
Speaking/Non speaking order
Neutral Citation Case : Yes \ No
sp



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To

1.The Inspector of Police,
All Women Police Station,
Madipakkam,
St.Thomas Mount.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

sp

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