



Crl.R.C.No.73 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.01.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.R.C.No.73 of 2023

P. Saravanan ... Petitioner

Vs.

1. S. Prabhu

2. The Inspector of Police,
All Women Police Station,
Udhagamandalam

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 & 401 of the Criminal Procedure Code, 1973 to call for the records and set aside the order dated 07.10.2022 made in Crl.M.P.No.1451 of 2022 on the file of the Sessions Judge, Magalir Neethimandram, (FTMC), Udhagamandalam at Nilgiris by allowing this Criminal Revision Petition.

For Petitioner : Mr.R. Prabakar

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.side)



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ORDER

This Criminal Revision Case has been filed challenging the order of dismissal dated 07.10.2022 passed by the the Sessions Judge, Magalir Neethimandram, (FTMC), Udthagamandalam at Nilgiris in Crl.M.P.No.1451 of 2022.

2. The learned counsel for the petitioner contended that the petitioner is working as Sub-Treasury Officer in Nilgiris. His sister Loganayagi and 1st respondent Prabhu are husband and wife. Prabhu's father Subramani has made sexual harassment against the daughter of Prabhu, hence a case has been registered in Crime No.2 of 2021 by the All Women Police Station, Coimbatore against the father of said Prabhu. Pursuant to which, he was arrested and remanded to judicial custody. While he was in jail, he died. The petitioner i.e., father of the victim girl sent a complaint to various persons disclosing the name of the victim girl as well as enclosing FIR copy of the POCSO case and thereby lowering the reputation of the victim girl by disclosing the identity of the victim girl and the abuse happened to



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her. Such act is punishable offence under section 23 of POCSO Act, 2012.

Hence the petitioner filed a complaint before the trial court under section 156(3) Cr.P.C. The trial court, after recording the statement of the complainant and also considering the documents filed by the petitioner viz., Exs.P.1 to P.4, without properly appreciating the evidence, dismissed the complaint filed by the petitioner. Aggrieved over the same, the petitioner has filed the present criminal case.

3. Considered the submissions of learned counsel for the petitioner and the learned Govt. Advocate (crl.side) appearing for the 2nd respondent.

4. On perusal of records, the fact reveals that the petitioner is the complainant before the trial court and he has filed a private complaint under section 156(3) Cr.P.C., against one Prabhu and the Inspector of Police, All Women Police Station, Udhagamandalam. In the complaint, the petitioner has alleged that the petitioner is working as a Sub Treasury Officer at Nilgiris District, Udhagamandalam. His sister Loganayagi was married to 1st respondent Prabhu. They had two daughters. The father of



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Prabhu sexually harassed one of the daughters of Prabhu. Hence a criminal complaint was lodged before the All Women Police Station, Coimbatore. The said complaint was registered in Crime No.20 of 2021. The father of the 1st respondent/accused was arrested and remanded to judicial custody and while he was in custody, he died. Thereafter, the respondent, in order to lower the reputation of the victim girl, in violation of section 23 of POCSO Act, sent a complaint to various government authorities for taking action against the Inspector of Police, All Women Police Station, Coimbatore. Further, on perusal of records, it is seen that the 1st respondent sent the complaint stating that a false case has been foisted by the Inspector of Police, All Women Police Station, Coimbatore against his father and he sought to enquire the matter immediately and take action against the concerned erring officials who caused the death of his father. According to the petitioner, such complaint given by the 1st respondent is violation of Section sections 22 and 23 of POCSO Act, 2012, which runs as follows;

Section 22: Punishment for false complaint or false



information;

(1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(2) where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimising such child in any of the offences under this Act, shall be punished with imprisonment which may extend to one year or with fine or with both.

23. Procedure for media – (1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation infringing upon his privacy.

(2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family



details, school, neighborhood or any other particulars which may lead to disclosure of identity of the child;

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.'

5. As per the above said section, a person is prohibited from making any report or presenting comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy. But in this case, the allegation is that the father of the victim girl i.e., the 1st respondent has sent complaint to various



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persons including the copy of FIR registered under POCSO Act, which is violation of sections 22 and 23 of POCSO Act, 2012. Perusal of complaint filed by the petitioner before the trial court reveals that the necessary ingredients attracting the penal provision of sections 22 and 23 of POCSO Act is not made out. In such a view of the matter, the trial court has rightly dismissed the petition filed to register complaint against the 1st respondent under the section 22 and 23 of POCSO Act. Therefore, I find no reasons to interfere with the order passed by the trial court. The Criminal Revision Case is devoid of merits, as such, the same is dismissed.

6. At this juncture, the learned counsel for the petitioner submitted before this Court, the trial court, while passing the impugned order, imposed a cost of Rs.5000/- on the petitioner to be deposited into the account of District Legal Service Authority, The Nilgiris at Udhagamandalam and he prays to set aside the imposition of cost.

7. Considering the submission of the learned counsel for the



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petitioner, and taking note of the fact that the parties involved herein are relatives, the cost imposed by the trial court of Rs.5000/- is hereby set aside.

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Index: Yes/No
Internet: Yes/No
msr

To

1. The Sessions Judge, Magalir Neethimandram,
(FTMC), Udhagamandalam at Nilgiris.
2. The Inspector of Police,
All Women Police Station,
Udhagamandalam.
3. The Public Prosecutor, Madras High Court.



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V.SIVAGNANAM, J.,

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