



Crl.O.P.No.24125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.11.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.24125 of 2024

and

Crl.M.P.Nos.13579 and 13581 of 2024

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Gokul Krishnan

.. Petitioner

Vs.

1. The Deputy Superintendent of Police,
All Women Police Station,
Perur, Coimbatore.

2. The Inspector of Police
All Women Police Station,
Perur,
Coimbatore. (Crime No.26 of 2022)

3. Minor Gokula Sree,
rep. its Natural Guarding
by father Mr.Alagarsamy

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and quash the final report in Spl.S.C.No.31 of 2023 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, Coimbatore.

For petitioner : Mr.T.Sai Krishnan

For respondents: Mr.S.Sugendran, for RR-1 and 2

R-3 appeared in person

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ORDER

This Court heard this matter through 'in-camera proceedings'.

2. The petitioner has filed this petition to quash the final report in Spl.S.C.No.31 of 2023 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act (The Protection of Children from Sexual Offences Act).

3. On a reading of the complaint given by the de-facto complainant and the statement recorded by the investigating officer, it shows that there are prima-facie allegations and also on merits, it was found that the petitioner is involved in the case.

4. Learned counsel for the petitioner submitted that the DNA test report shows that the petitioner is not the biological father of the child born through the victim. Therefore, the petitioner is not involved in this case.

5. Prima-facie, there are materials to show that just because the DNA test differs, it does not mean that the petitioner has no access at all.

6. When the victim has given the complaint and statement against the petitioner, whether petitioner has committed the offence as alleged by the de-facto complainant or not, it can be decided only after trial and not at this stage. However, prima-facie there are materials available against the petitioner based on the statement of the victim and hence, this Court is not inclined to quash the



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charge-sheet/final report.

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7. From the complaint and the victim's statement, there is prima-face case to show that there are allegations against the petitioner and hence, for the reasons stated above, this petition is dismissed. The petitioner/sole accused is at liberty to work out his remedy during trial, by taking all his defence during trial.

8. The trial Court is directed to complete the trial within two months from the date of receipt of the order of this Court and dispose of the case on merits and in accordance with law.

9. Consequently, Crl.M.P.Nos.13579, 13581 and 4182 of 2024.

18.11.2024

CS

To

1. The Deputy Superintendent of Police,
All Women Police Station,
Perur,
Coimbatore.
2. The Inspector of Police
All Women Police Station,
Perur,
Coimbatore. (Crime No.26 of 2022)
3. The Public Prosecutor, High Court, Madras.

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