



WEB COPY



Crl.OP.No.15268of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15268 of 2024

and

Crl.MP.No.9345 of 2024

1. Kalappan
2. Kamaraj
3. Jothilingam
4. Saroja

... Petitioners

Vs.

1. The State Rep by its
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District
(Cr.No.87 of 2024)

2. Salammal

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to a case in Cr.No.87 of 2024 on the file of 1st respondent and quash the same.

For Petitioner : Mr.M.Subash

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)
for R1
: Mr. A.Ilaya Perumal for R2



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ORDER

WEB COPY The learned counsel for the respondent appeared and submitted that being a case and counter, where the complaint against this petitioner is for grave offence under POCSO Act, investigation was transferred to All Women Police Station, Dharmapuri and offence been altered into Section 11 and 12 of POCSO Act on 26.06.2024.

2. The learned counsel appearing for the petitioner submits that the complaint itself is an exaggerated one to comouflage the aggression made by defacto complainant and others.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that being a case and case in counter which is subject matter of Cr.No.86 of 2024 will also be transferred to All Women Police Station to be investigated by the same Investigating Officer and after ascertaining the real aggressor, report will be filed by following Police Standing Order 566 and the direction of this Court rendered in ***Balaji Vs.State of Tamil Nadu.***

4. Recording the said submission made by the learned Government



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Advocate (Crl.Side) and the submissions made by counsels appearing for the petitioner and the private respondent, this Criminal Original Petition is disposed of with the following directions:

i) the first respondent shall transfer Cr.No.86 of 2024 to the file of All Women Police Station, Dharmapuri to be investigated along with Cr.No.87 of 2024 which is the subject matter of the present criminal original petition;

ii) the Investigating Officer shall investigate and ascertain the real aggressor and file final report; and

iii) if both the parties have committed any cognizable offence appropriate report to be filed following the directions issued by this Court in ***Balaji Vs. State of Tamilnadu.***

Consequently, the connected miscellaneous petition is closed.

02.09.2024

Vv

To



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The Inspector of Police,
Thoppur Police Station,
Dharmapuri District

2.The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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Crl.OP.No.15268of 2024

Vv

Crl.OP.No.15268 of 2024
and
Crl.MP.Nos.7305 and 7306 of 2024

03.09.2024