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CrI.O.P.No.16187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16187 of 2024
& CrI.M.P.Nos.9865 & 9866 of 2024

Dr.Shanthy Michael.

... Petitioner/Accused 2

/versus/

1. The State,
Rep. by the Inspector of Police,
Odiansalai Police Station,
Puducherry.
(Crime No.24/2024).

... 1st Respondent/Complainant

2. Mrs.Senthamarai.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records on the file of the Court of the Hon'ble Special Judge under POCSO Act, 2012 Puducherry in SPL.S.C.No.15 of 2024 and quash the final report in SPL.SC.No.15 of 2024 as against the petitioner/accused No.2.

For Petitioner : Mr.T.Saikrishnan

For 1st Respondent : Mr.M.V.Ramachandramurthy,
Additional Public Prosecutor (Pondy)
Assisted by Mr.A.Alexander, G.A



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ORDER

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The petitioner is the Doctor aged 71 years and he is arrayed as one of the accused in Special S.C.No.15 of 2024 on the file of Special Court, POCSO Act, Puducherry, for not intimating the Commission of offence under POCSO Act to the concerned authority.

2. Reading of the material collected by the respondent police indicates that the mother of the victim girl had taken the victim to the petitioner's clinic for her illness. It was reported to the petitioner herein that the victim on 23.01.2024 fainted after vomiting and she was running high temperature. According to the statement of the defacto complainant, the petitioner, after examining the pulse of the victim girl, had referred the victim girl to Ashwini Maternity Hospital, Puducherry. After clinical examination at Ashwini Maternity Hospital, the victim girl was found three months pregnant. The overt act spoken by the witnesses in their Section 161 of Cr.P.C statement does not reveal that the petitioner had any knowledge of POCSO offence or she had attempted to screen the crime.



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3. Section 19(1) r/w Section 21 of POCSO Act, clearly indicates

that the person must have a specific knowledge about the offence.

4. Further, it is alleged the petitioner herein has failed to report the Commission of offence under POCSO Act to the authorities. When there is no material to show that the petitioner had knowledge about the commission of offence under POCSO Act, she cannot be expected to report the offence and be arrayed as an accused to face trial for offence under Section 19(1) r/w Section 21 of POCSO Act.

5. Accordingly, this Criminal Original Petition to quash is allowed. The complaint in Spl.S.C.No.15 of 2024 on the file of Special Court under POCSO cases, Puducherry is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

10.07.2024

Index : Yes/No.

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To:-

1. The Special Court, (POCSO Act Cases), Puducherry.
2. The Inspector of Police, Odiansalai Police Station, Puducherry.
3. The Public Prosecutor, High Court, Puducherry.

Dr.G.JAYACHANDRAN,J.



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