



Crl.O.P.No.20924 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.20924 of 2022

Edwin

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police
All Women Police Station
Namakkal
Namakkal District
(Crime No.21 of 2022)

2.K.Juliyat

3.The Inspector of Police
Virugambakkam Police Station
Chennai District

(R3 amended as per order dt.21.12.2023
in Crl.MP.19877/23 in Crl.OP.20924/2022)

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
praying to call for the records in Crime No.21 of 2022, on the file of the 1st
respondent police and quash the same.



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For Petitioner : Mr.W.Camyles Gandhi
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side) - R1 & R3
Mr.K.Jayan - R2

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in Crime No.21 of 2022, on the file of the 1st respondent police, for the offence punishable under Sections 6, r/w.5(1), 5(j)(ii) of POCSO Act, 2012 and 506(i) of IPC.

2. The prosecution's case is that for about five months, the victim girl had not had her periods, for which treatment was sought. Thereafter, on 03.06.2022, during a school leave, the 2nd respondent's family went on vacation to their mother's native place in Namakkal District, Mohanur. On 10.06.2022, when the 2nd respondent's mother fell sick, they went to the hospital with the victim girl. While treatment was provided for the 2nd respondent's mother, treatment was also sought for her daughter (the victim



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girl). To the shock and surprise of the 2nd respondent's family, the doctor informed them that the victim girl was five months pregnant. Upon enquiry, the victim girl stated that when they went to their grandmother's native place on 16.01.2022, the petitioner compelled her to have a sexual relationship with him, which continued on 21.02.2022, resulting in her pregnancy. After admitting her to the hospital, a complaint was filed by the 2nd respondent. The victim girl gave a statement to the respondent police, leading to an FIR being registered against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and has not committed the alleged offence. He is a close relative of the defacto complainant, and according to the DNA report, he is not a valid litigant. Hence, he prays to quash the proceedings against him.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that based on the complaint lodged by the defacto complainant, an FIR was registered in Crime No.21 of 2022, for the offence punishable under Sections 6, r/w.5(1), 5(j)(ii) of the POCSO Act, 2012, and



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506(i) of the IPC. He further submitted that a 164 statement was recorded from the victim girl, and the investigation is still ongoing. The case has now been transferred to the Virugambakkam Police Station, Chennai. Hence, he opposed the quashing of the proceedings against the petitioner.

5. Considering the submissions made by both counsels and the fact that a 164 statement was recorded from the victim girl, in which she implicated the petitioner, and that a DNA report has been received by the respondent police, all these facts are matters for investigation. At this stage, I am not inclined to quash the proceedings in Crime No.21 of 2022, on the file of the 1st respondent police.

6. Accordingly, this Criminal Original Petition is dismissed.

18.03.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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WEB COPY

1. The Inspector of Police
All Women Police Station
Namakkal
Namakkal District
(Crime No.21 of 2022)
2. The Inspector of Police
Virugambakkam Police Station
Chennai District
3. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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