



CRL O.P. No.22916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.22916 of 2022

and

CrI. M.P. Nos.14708 and 14709 of 2022

Steepan Devaraj S/o. Devaraj

... Petitioner / 2nd

accused

Vs.

1. **State represented by:**

The Inspector of Police,

Karumandurai Police Station, Salem.

[Cr. NO.142 of 2021]

.... 1st Respondent / Complainant

2. Ravi S/o. Dhuraikannu

.... 2nd Respondent /

Defacto complainant

PRAYER :- The Criminal Original petition is filed under Section 482 of

Code of Criminal Procedure to call for the entire records related to the

impugned final report in Spl. S.C. No.175 of 2022 on the file of the

learned Additional District and Sessions Judge, Mahila Court, Salem.



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For Petitioner : Mr. J. Hariharan
for M/s. KV Law Firm.

For Respondents : Mrs. G.V. Kasthuri,
Additional Public Prosecutor [for R1]

No appearance [for R2]

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl. S.C. No.175 of 2022 on the file of the Additional District and Sessions Judge, Mahila Court, Salem.

2. The case of the prosecution is that the 2nd respondent and his wife are teachers by profession and their younger daughter was studying XII standard in the school of the 2nd respondent. At that time, the victim was sexually harassed by one of the staff of the school and the same was informed to the petitioner and he has not reported before the concerned officials for taking legal action. Therefore, based on the complaint given by the 2nd petitioner, FIR has been registered in Cr. No.142 of 2021 for the offences under Sections 9(f), 10, 17, 21(2) of POCSO Act and Sections 305 and 511 of IPC. Thereafter, the 1st respondent conducted



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investigation and filed final report for the offences under Sections 9(f), 10 and 21(2) of POCSO Act, 2012 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Based on the final report, the case has been numbered as Special Sessions Case before the POCSO Court, Salem. Now the above said case is pending before the Additional District and Sessions Judge, Mahila Court, Salem.

3. The learned counsel appearing for the petitioner would contend that this petitioner is the Correspondence of the School and he has not received any information about the alleged occurrence and he has not committed any offence as alleged by the prosecution and based on the complaint given by the 2nd respondent, the 1st respondent police have registered the FIR. The 1st respondent have not conducted proper investigation and without applying the mind, they filed the charge sheet and the Trial Court has also taken cognizance and hence the proceedings are liable to be quashed.

4. The learned Government Advocate (Criminal side) would contend that the offences are grave in nature, that the main accused in



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this case has committed sexual assault against the victim girl and thereby, a complaint was lodged. This petitioner, being School Correspondent, has not taken any steps to inform about the occurrence to the concerned officials, thereby, the 2nd respondent has given compliant and based on the complaint, FIR has been registered. Thereafter, the 1st respondent has conducted elaborate investigation and as per the investigation, prima facie materials available to proceed the case further as against the petitioner and hence they have filed the final report. Based on the final report, the trial Court has also taken cognizance for the offences under Sections 10, 21(2) of POCSO Act and Section 4 of Tamil Nadu Protection of Women Harassment Act. The Trial Court after considering that there are prima facie materials available to proceed the case further as against the petitioner, has taken cognizance in Special S.C. No.175 of 2022. Therefore, the petitioner has to face the trial and the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. Based on the complaint given by the 2nd respondent, the 1st



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respondent had registered the FIR in Cr. No.142 of 2021 under Sections 9(f), 10, 21(2) of POCSO Act and Sections 305 and 511 of IPC and thereafter, the 1st respondent conducted an elaborate investigation and at the time of investigation, the 1st respondent police have examined witnesses and recorded their statements and collected the materials and filed final report. This Court also perused the final report and all other relevant records.

7. On perusal of the records, there are prima facie materials available as against the petitioner to proceed the case further as against him and the allegations are also grave in nature. The Trial Court also after considering that there are prima facie materials available as against this petitioner, has taken cognizance of the case in Spl. S.C. No.175 of 2022 under Sections 10, 21(2) of POCSO Act and Section 4 of Tamil Nadu Protection of Women Harassment Act. The veracity of the statement of witnesses and the genuineness of the documents collected through investigation cannot be tested at this stage. This petitioner is not entitled to get any relief as sought for and this petition has no merits and deserves to be dismissed. At this juncture, the learned counsel appearing



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for the petitioner requested this Court to dispense with the personal appearance of the petitioner before the trial Court. It is for the trial Court to decide the petition to dispense with the personal appearance of the petitioner and if any application is filed by the petitioner for dispensing his personal appearance, the trial Court is directed to consider the same on merits in accordance with law.

8. With the above observations, this Criminal Original petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

P.DHANABAL,J

mjs

To

1. The Additional District and Sessions Judge, Mahila Court, Salem.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Karumandurai Police Station, Salem.



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