



Crl.O.P.No.718 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.718 of 2022

and

Crl.M.P.No.270 of 2022

Shanmugasuntharam

... Petitioner

Versus

The State rep. by its
The Inspector of Police,
All Women Police Station,
Vedaranyam, Nagapattinam Dt.
(Crime No.7 of 2020)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in S.S.C.No. 42 of 2021 on the file of the learned Special Sessions Court under POCSO Act, Nagapattinam and quash the same in as much as against the petitioner.



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For Petitioner : Mr.V.Kasinatha Bharathi
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in S.S.C. No. 42 of 2021 on the file of learned Special Sessions Court under POCSO Act, Nagapattinam.

2. Heard both sides.

3. The petitioner is ranked as A3 in the F.I.R. in Crime No.7 of 2020 registered against the petitioner for the offence under Sec.3,4,5(1), 6, 11(5), 12, 17, 18 of POCSO Act and 506(1) I.P.C. based on the complaint given by mother of victim girl alleging that on the date of occurrence, the petitioner hugged victim girl behind her with bad intention and sexually harassed her. Subsequently, the charge sheet has been filed and the same was taken on file in S.S.C.No.42 of 2021 on the



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file of learned Special Sessions Court under POCSO Act, Nagapattinam and the same is pending. Now, the petitioner had filed this petition praying to quash the charge sheet, which was initiated by the respondent police in S.S.C.No.42 of 2021 pending on the file of Special Sessions Court under POCSO Act, Nagapattinam stating that based on a false complaint, he was dragged on with the proceedings and there is no specific overtact attributed against the petitioner and he is no way connected with the alleged offence as stated by the victim girl. Hence, the petitioner prayed to quash the proceedings in S.S.C.No.42 of 2021.

4. The learned counsel for petitioner would submit that he is a senior citizen and having two children and he has also undergone a surgery. He would also submit that he has been falsely implicated in this case and he has no role with the alleged offence. Hence, he prayed to quash the proceedings initiated against the petitioner.

5. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent would submit that the victim girl while



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went to the mess run by this petitioner, he abused her and sexually harassed her. So, there is a specific allegation attributed against him, as such it needs detailed trial.

6. Considering submissions made by learned Government Advocate, all the accused were charged under POCSO Act and the victim girl also specifically stated that the petitioner had sexually harassed her. Hence, there is no prima facie materials to quash the charge sheet and this petition is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. However, this petitioner is a senior citizen, the trial court is directed to conduct the trial and dispose the case as early as possible. Consequently, connected Criminal Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
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To
1. The Inspector of Police,
All Women Police Station,
Vedaranyam, Nagapattinam Dt.



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2. The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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