



WEB COPY



Crl.O.P. No. 22074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

CRL.O.P. No. 22074 of 2023

&

CRL.M.P.No. 15311 of 2023

1. Jayakumar
2. Rajalakshmi ..Petitioners

Vs.

1. The State represented by
The Inspector of Police,
AWPS – Sooramangalam,
Salem.
2. Nirmala Devi,
Organizer – Child Line 1098,
Don Bossco Anbu Illam,
Mullivadi Gate,
Salem. ..Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal
Procedure Code to call for records in Crime No. 49 of 2021 on the file of
the 1st respondent and to quash the same as against the petitioners.



WEB COPY



Crl.O.P. No. 22074 of 2023

For Petitioners :: Mr.R. C. Paul Kanagaraj
For Respondents :: Mr.A. Damodar
Addl. Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed challenging the FIR in Crime No. 49 of 2021, pending investigation on the file of the 1st respondent.

2. The information was received from the 2nd respondent to the effect that the victim girl, who is the step daughter of the 1st petitioner and the daughter of the 2nd petitioner was sexually abused. Based on this complaint, an FIR came to be registered in Crime No.49 of 2021 for offence under Section 9(1), 9(n), 9(u), r/w. Section 10 of the POCSO Act and 506(i) of IPC.

3. Initially, the 1st respondent investigated the case and filed a closure report on the ground that no such incident had taken place and that the victim girl had given such a complaint only to force her natural mother



Crl.O.P. No. 22074 of 2023

to permit the victim girl to live with her natural father. In spite of the closure report filed, the Special Court for POCSO cases, Salem, had ordered for further investigation. In view of the same, the investigation was pending.

4. When the matter came up for hearing on 27.09.2023, this Court passed the following order :-

Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice for 1st respondent.

2. It seen from records that the police had conducted the investigation and had filed a report before the Court below that false complaint has been lodged in this case. However, the Court below has proceeded further to enquire the victim girl by not accepting the report filed by the respondent police and had directed the respondent police to file a charge sheet in this case. The learned counsel for the petitioner submitted that the victim girl was pressurised and was made to give a statement and that the victim girl is prepared to file an affidavit before this Court and also be present before this Court and explain the circumstances under which she was made to give the statement.

3. In view of the above, the 1st respondent is directed not to file any final report in this case until further orders. The victim



Crl.O.P. No. 22074 of 2023

WEB COPY

girl shall be present before this Court on 11.10.2023 at 2.15 p.m. Post this case under the caption for recording the statement of the victim girl on 11.10.2023 at 2.15 p.m.

5. When the matter was taken up for hearing today, the victim girl was present before this Court. She stated that her father and mother had a difference of opinion and they were separated and thereafter, the mother of the victim girl married the 1st petitioner and the mother of the victim girl forced the victim girl to come and live with her. The victim girl was requesting the mother to permit her to stay with the natural father. Since the same was refused, the victim girl had proceeded to give such a complaint before the 2nd respondent. The victim girl further stated that presently she is living with her father Uma Shankar and she is studying in a college. She further stated that due to desperation, she gave a complaint and that she does not want to prosecute the case any further.

6. This Court also had the advantage of going through the closure report which is in line with the statement made by the victim girl before this



Crl.O.P. No. 22074 of 2023

Court.

WEB COPY

7. In view of the above, the continuation of the criminal proceedings as against the petitioner will result in abuse of process of Court, which requires the interference of this Court.

8. In the result, the investigation in Crime No.49 of 2021, is hereby quashed and this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

05.02.2024

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

rka

To

1. The Inspector of Police,
AWPS – Sooramangalam,
Salem.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P. No. 22074 of 2023

N. ANAND VENKATESH,J.

rka

Crl.O.P. No. 22074 of 2023

05.02.2024