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CrI.O.P.No.26859 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.26859 of 2024

Thiruthangal Nadar Vidyalaya. ... Petitioner/4th Accused
/versus/

1. State by,
The Inspector of Police,
W-15, All Women's Police Station,
Tiruvottiyur,
Chennai – 600 019. ... 1st Respondent/Complainant

2. Abirami. ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C.,
pleased to call for the records in Crime No.6 of 2024 on the file of the
respondent police and quash the same, in so far as the petitioner school
management is concerned.

For Petitioner : Mr.S.Thankasivan

For R1 : Mr.K.M.D.Muhilan.
Government Advocate (CrI.Side)

ORDER



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The petitioner herein is the Management of the School. Being aggrieved by summon issued for enquiry on the complaint in F.I.R.No.6 of 2024, dated 22.09.2024 for the offences under Section 12 and 21 of POCSO Act, the petition is filed to quash the said complaint on the ground that for the incident which took place outside the school campus involving the students of the school, cannot be reason to array the School Management as an accused.

2. The Learned Government Advocate (CrI.Side) for the 1st respondent submits that on registration of F.I.R, the petitioner was summoned to participate in the enquiry, they participated in the enquiry and statement also recorded.

3. The Learned Counsel appearing for the petitioner/4th accused states that the Management is ready to cooperate with the investigation but under the guise of investigation, the staff of the petitioner Management should not be harassed.



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4. The Learned Government Advocate (CrI.Side) for the 1st

respondent submits that since there is a specific allegation made by the defacto complainant that the Management is trying to protect the erred students, the management has been arrayed as one of the suspected accused, but if there is sufficient material available to show that the management has not protected the offenders and has taken necessary steps to discipline the erred students, necessary decision will be taken.

5. Also, the Learned Government Advocate (CrI.Side) submits that

the petitioner is suspected for not reporting an offence against the child, though the same was within the knowledge and to rule out that omission to report is not malafide, the petitioner has been summoned.

6. In the above circumstances, the respondent police shall not

unnecessarily disturb the staff of the petitioner Management. If at all, the respondent police want to enquire the petitioner Management/staff, it shall be done only by causing summons.



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7. With this observation, this Criminal Original Petition is disposed of.

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Index : Yes/No
Neutral Citation : Yes/No
bsm

To

- 1.The Inspector of Police, W-15, All Women's Police Station, Tiruvottiyur, Chennai – 600 019.
2. The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

bsm

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