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Crl.O.P.No.29182 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.29182 of 2024 and
Crl.M.P.No.16342 of 2024

M.Gowtham Prasanth

... Petitioner

Vs.

1. The State Represented by

The Inspector of Police

All Women Police Station Ammapet Salem City

Salem

2. XXXXXXXXX

Minor Rep. by her Mother and natural guardian

Salem

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for records in J.C.No.112 of 2024 pending on the file of the Juvenile Justice Board, Salem and quash the same.

For Petitioner : Mr.G.Raja

For 1st Respondent : Mr.S.Sugendran

Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed by the petitioner to quash the case in J.C.No.112 of 2024 pending on the file of the Juvenile Justice Board, Salem.

2. The learned counsel for the petitioner submitted that the petitioner has been arrayed as an accused in Crime No.21 of 2024 for the offence under Section 366 IPC and Sections 5(l), 5(j)(ii) and 6(1) of the POCSO Act, 2012 based on the statement recorded from the victim/defacto complainant. Subsequently, final report was filed before the Juvenile Justice Board, Salem and the same was taken on file in J.C.No.112 of 2024. The contention of the petitioner is that in this case, both the petitioner and the victim are minors. the victim herself has stated in her statement recorded under Section 161(3) of Cr.P.C. that instead of mentioning the actual person's name, she wrongly mentioned the petitioner's name. Hence, the final report filed against the petitioner has to be quashed.

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3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the time of giving complaint, the victim girl was pregnant and the respondent police have given a request letter for taking DNA test and only after receipt of the DNA test report, the truth will come out.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials available on record.

5. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

6. It is seen that the respondent police have taken steps for taking DNA test. After receipt of the DNA test report only, the actual truth will come out.

Hence, at this stage, this Court is not inclined to entertain this petition.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.



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8. The petitioner is at liberty to work out his remedy after the receipt of
DNA test report.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Inspector of Police

All Women Police Station Ammapet Salem City
Salem

2.The Public Prosecutor

High Court of Madras



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P.VELMURUGAN. J.

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