



CrI.O.P.No.27264 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.27264 of 2024

Loganayaki

... Petitioner

Vs.

1. Assistant Commissioner of Police
Virugambakkam Police Station
Chennai

2. Sub-Inspector of Police
Virugambakkam Police Station
Chennai

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to direct the respondents to conduct further investigation on the First Information Report dated 11.02.2024 by including appropriate provisions of the Protection of Children from Sexual Offences (POCSO) Act in Crime No.71 of 2024 pending on the file of the 2nd respondent police, registered under Sections 147, 323, 294(b) of IPC, 4 of TN Prohibition of Harassment of Women Act, 2002 and 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and to commit the accused for all the offenses which he had committed.



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For Petitioner : M/s.T.Sudha Gandhi
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the defacto complainant to direct the respondents to conduct further investigation on the First Information Report dated 11.02.2024, by including appropriate provisions of Protection of Children from Sexual Offences (POCSO) Act in Crime No.71 of 2024 pending on the file of the 2nd respondent police, registered under Sections 147, 323, 294(b) of IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and to commit the accused for all the offenses which he had committed.

2. As per the directions of this Court dated 05.11.2024, the Investigating Officer appeared before this Court and also filed the status report.



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3. The learned counsel for the petitioner submitted that though the accused had sexually assaulted the victim girl, the offences under the POCSO Act has not been included in the FIR. Hence, the present petition is filed.

4. The learned Government Advocate (CrI. Side) submitted that they have got the video recordings and that there was no sexual assault by the accused.

5. However, as per the statement of the victim girl recorded under Section 164 Cr.P.C., the offence under Section 11(i) of the POCSO Act would attract.

6. Therefore, the respondent police is directed to include appropriate provisions of the POCSO Act in the FIR and conduct investigation in the manner known to law and file charge sheet within a period of three months from the date of receipt of a copy of this order and it is for the trial Court to testify the veracity of the complaint and statement. This Court while exercising its power under Section 482 Cr.P.C./528 B.N.S.S., cannot go into the other



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materials except the statement recorded from the victim girl.

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7. Further, the respondent police is directed to give adequate protection to the victim girl.

8. With the above directions, this Criminal Original Petition is disposed of.

11.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To.

1. Assistant Commissioner of Police
Virugambakkam Police Station
Chennai

2. Sub-Inspector of Police
Virugambakkam Police Station
Chennai

3. The Public Prosecutor,
High Court of Madras.

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P.VELMURUGAN. J.

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