



Crl.O.P.(MD) No.3120 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.3120 of 2021

and

Crl.M.P.(MD)Nos.1698 & 1699 of 2021

K.Muthu Muniyandi

... Petitioner

Vs.

1. The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime No.38 of 2020)

2. Jothika

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the final report in S.C.No.43 of 2020 on the file of the Sessions Judge, Special Court for exclusive Trial of cases under POCSO Act, Madurai and quash the same as illegal.

(Prayer amended, vide Court order, dated 24.03.2023

*in Crl.M.P.(MD)No.4210 of 2021 in Crl.O.P(MD)No.
3120 of 2021)*

For Petitioner : Mr.G.Kalyana Sundaram

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)



WEB COPY



Crl.O.P.(MD) No.3120 of 2021

ORDER

This Criminal Original Petition is filed by the petitioner seeking a direction to quash the final report filed in S.C.No.43 of 2020 on the file of the Sessions Judge, Special Court for exclusive Trial of cases under POCSO Act, Madurai.

2. Based on the complaint given by the second respondent/defacto complaint, an F.I.R in Crime No.38 of 2020 of T.Kallupatti Police Station was registered against the present petitioner for the offences punishable under Sections 7, 8, 11(4), 11(5), 12 of POCSO Act, 2012 and 506(ii) of I.P.C. During the course of investigation, second respondent/defacto complainant gave a statement under Section 161(3) Cr.P.C, based on which the police altered the Sections to 11(4) and 12 of the POCSO Act.

3. The learned counsel appearing for the petitioner would contend that the second respondent/defacto complainant herself had changed her versions during the course of investigation by the police officer and therefore, the entire final report has to be quashed.



Crl.O.P.(MD) No.3120 of 2021

WEB COPY 4. On perusal of the statement of the second respondent/defacto complainant recorded by the police under Section 161(3) Cr.P.C., it is seen that the second respondent/defacto complainant had clearly stated that the petitioner used to follow her and also had told her that he is in love with her. Based on the statements, the police had filed a final report against the petitioner for the offences punishable under Sections 11(4) and 12 of the POCSO Act. Merely because the second respondent/defacto complainant had changed the original version which is mentioned in her complaint, the entire final report cannot be quashed.

5. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
jbr

31.01.2024



WEB COPY



Crl.O.P.(MD) No.3120 of 2021

R.HEMALATHA, J.

jbr

To

1. The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.3120 of 2021

31.01.2024