



Crl.R.C.(MD) No.592 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM:

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.R.C.(MD)No.592 of 2023

and

Crl.M.P(MD)No.8581 and 8582 of 2023

Arokia Arul Thomas

... Petitioner bullocks

Vs.

1.The State rep. by the
Inspector of Police
All Women Police Station (A.W.P.S)
Paramakudi,
Ramanathapuram District.

2.xxx
D/o Balamurugan
Muthuramalingapurampatti,
Paramakudi Taluk,
Ramanathapuram District.

(R2 is suo motu impleaded as per order dated 25.06.2024)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.1061 of 2022 in SPL.S.C.No.59 of 2022 on the file of the learned Sessions Judsge, Fast Track Mahila Court, Ramanathapuram dated 05.05.2023 and set aside the same as illegal.



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For Petitioner : Mr.Henri Tiphagne
For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

ORDER

This criminal revision case is preferred to set aside the order passed in the discharge petition in Cr.M.P.No.1061 of 2022 in SPL.S.C.No.59 of 2022 on the file of the learned Fast Track Mahila Court, Ramanathapuram, dated 05.05.2023.

2. The petitioner has worked as Mathematics Teacher at Sacred Heart Higher Secondary School, Thiruvarangam, where there are 882 students and he has no bad remarks in the entire service. While so, on 30.03.2022, when the petitioner was deputed to 10th Standard, he reached the class room at about 9.20 a.m. At that time, he saw a girl, the defacto complainant scribbling badly on her own passport size photo. When the petitioner enquired about the same, she replied to him that she does not like herself. However, the petitioner advised her not to have such inferiority complex and gently touched her wrist without any intention. Thereafter, the defacto complainant shared this with her class teacher one Sr.Amutha. The said Amutha handed over a complaint against the petitioner to the Headmaster and the Headmaster in turn asked the petitioner about the



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incident. Because of the pressure from the Correspondent and the said Amutha, the victim girl filed a complaint to the Child Welfare Committee (CWC) of Ramanathapuram District. The petitioner explained everything in detail that there was no mistake on him. However, a case was registered under Section 7 and 8, 9(f) and 10 of Protection of Children from Sexual Offences Act, 2012. Thereafter, a charge sheet was filed before the Fast Track Mahila Court, Ramanathapuram and the same was taken on file as SPL.S.C.No.59 of 2022. In this said case, the petitioner has filed a discharge petition in Cr.M.P.No.1061 of 2022. However, the said discharge petition is dismissed. Challenging the same, the present criminal revision is preferred.

3. In this criminal revision, this Court, by order dated 25.06.2024, *suo motu* impleaded the victim, the defacto complainant as the second respondent. This Court further directed the second respondent to appear before this Court. On 09.07.2024, the second respondent appeared in Chamber and this Court enquired the second respondent. The second respondent/victim fairly submitted that since she was scribbling badly on her own passport size photo, the petitioner enquired and she replied to him that she does not like herself. She further stated that the petitioner advised her not to have such inferiority complex and gently touched her



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wrist and head as a father without any intention. She further stated that she signed the complaint without reading. When the class teacher Sr.Amutha asked to the sign the complaint, she signed without knowing the content of the complaint. Hence, the act of the petitioner does not show any intention to commit the offence as alleged by the prosecution.

4.In view of the above statement made by the defacto complainant, this Court is of the view that the petitioner is liable to discharge from the charges framed in SPL.S.C.No.59 of 2022 on the file of the Sessions Judge, Fast Track Mahila Court, Ramanathapuram.

5.Accordingly, the Criminal Revision Case is allowed and the order dated 05.05.2023 passed in Cr.M.P.No.1061 of 2022 in SPL.S.C.No.59 of 2022 on the file of the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, is set aside. The petitioner is discharged from the charges framed in SPL.S.C.No.59 of 2022 on the file of Sessions Judge, Fast Track Mahila Court, Ramanathapuram. Consequently, connected miscellaneous petitions are closed.

09.07.2024

Index : Yes/No

Internet : Yes/No

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Issue order copy on : 05.08.2024



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To:-

- 1.The Sessions Judge, Fast Track Mahila Court, Ramanathapuram.
- 2.The I Inspector of Police
All Women Police Station (A.W.P.S)
Paramakudi,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN., J

skn

ORDER MADE IN
CrI.R.C.(MD)No.592 of 2023
and
CrI.M.P(MD)No.8581 and 8582 of 2023

09.07.2024