



CRL OP(MD). No.19380 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19380 of 2024

Premkumar @ Manithaneyan

... Petitioner/1st Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station, Tallakulam,
Madurai City.
Crime No. 48 of 2024.

... Respondent/Complainant

For Petitioner : Mr.C. Ezhilarasu

For Respondent : Mr.B.Thanga Aravindh,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 48 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 5(m), 6, 7, 8, 16 and 17 of POCSO Act in Crime No.48 of 2024 on the file of the respondent Police, seeks anticipatory bail.



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2. When the matter came up for hearing on 11.11.2024, the learned Government Advocate (Crl.Side) appearing for the respondent Police furnished the Section 164 of Cr.P.C statement, that was recorded from the victim girl by the learned Judicial Magistrate No.I, Madurai. On going through the same, this Court had an impression that the victim girl was probably subjected to sexual harassment by the accused person.

3. The learned counsel for the petitioner submitted that his client is innocent and that a false case has been foisted against him by the Police.

4. Considering the submission made by the learned counsel for the petitioner, this Court directed the matter to be posted in the Chamber today. The case was called in the Chamber at 5.30 p.m.

5. Considering the fact that I am going to examine the victim girl, who is hardly aged about 12 years, I deemed it fit to talk with her in the presence of Ms. Durga Devi, who is working as Assistant Section Officer of Madurai Bench of Madras High Court.

6. I enquired the victim girl. She told me that she is aged about 12 years and she is presently studying at St. Anne's Girls Higher Secondary School, Madurai in the 7th standard. I found the victim girl to be very intelligent and very clear in her thoughts and speech. She explained the sequence of events.



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7.The victim girl stated that there was some misunderstanding between her father and mother, since her mother actively involved herself in Kurijiyar Makkal Jananayaga Iyakkam (குறிஞ்சியர் மக்கள் ஜனநாயக இயக்கம்), which was founded and headed by the petitioner Mr. Premkumar @ Manithaneyan for the welfare of Kuravar community. She further stated that subsequently her father and mother joined together and she is now living with them happily along with her sister.

8.It was very heartening, when the victim girl addressed the petitioner right through as “Thozhar”. She stated that the petitioner is a very nice person, who takes care of the welfare of the downtrodden and also helps her family and in her education.

9.When I put a pointed question to the victim girl, as to why, she went before the learned Magistrate and gave a statement, as if, the petitioner had misbehaved with her. She replied that she was forced by the Police to make such a statement before the learned Magistrate. She stated that when she made the statement before the learned Magistrate inside the Court, two lady Police Constables were waiting outside the Court and they accompanied the victim girl right through and they did not allow the parents to go anywhere near her.

10.In the light of the above statement made by the victim girl, I called the



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father and mother of the victim girl to have a conversation with them.

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11.The mother of the victim girl stated that she is actively involved in the various protests that are made by the above said Iyakkam and therefore, there was a misunderstanding between the Police and the members belonging to the Iyakkam. At one point of time, the Police started targeting the petitioner, since he was running the said Iyakkam. It is under such circumstances, the Police decided to foist a false case against the petitioner, as if, he had committed the offence under the POCSO Act.

12.The mother of the victim girl had very high respect and regard for the petitioner and she repeatedly told me that the petitioner is innocent and that a false case has been foisted against him.

13.The father of the victim girl also reiterated the stand taken by the mother of the victim girl.

14.The present Inspector of Police of the All Women Police Station, Anna Nagar was present in the Chamber. The Police Officer informed me that she took charge of the said Police Station only on 02.08.2024 and that she is not aware about the earlier happenings.

15.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



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16. In the considered view of this Court, the case in hand was a real shock for me, since even remotely I never thought that a false case will be foisted by the Police by misusing the provisions of POCSO Act. It is quite unfortunate that a minor girl of tender age has been used in this case to settle scores against the petitioner. This has been done without realizing that the same violates the human rights of the small girl, who was hardly aged about 10 years, when the case was registered.

17. It is quite clear from the statement made by the victim girl and her parents that a false case has been foisted against the petitioner by the Police to settle scores against him.

18. This Court would have invoked Section 22 of POCSO Act against the concerned Police officials for having misused the provisions of POCSO Act. However, none of those Police officials are now available and they are working elsewhere. If this Court wants to initiate such proceedings, it can be done even though those Police officials are not presently working here. But such initiation of proceedings will have its own repercussions in terms of family of the victim girl and the petitioner being put to more harassment by the Police. In any event, I did not want any further embarrassment for the victim girl and her family and also the petitioner from the Police. Therefore, I thought it fit to bury this case with a warning that the Police will not go near the victim girl and her family and also the petitioner.



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19. The case in hand is a classic example of how law can be misused to its hilt. The continuation of the criminal proceedings against the petitioner will amount to abuse of process of law and it warrants interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

20. In the result, the FIR in Cr.No. 48 of 2024 pending on the file of the respondent Police is hereby quashed and this Criminal Original Petition stands allowed.

sd/-
13/11/2024

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Inspector of Police,
All Women Police Station, Tallakulam,
Madurai City. Crime No. 48 of 2024.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.19380 of 2024
Date : 13/11/2024

SL(25.11.2024)/ 7P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.