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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)No.22562 of 2023

and

Crl.M.P(MD)No.17634 of 2023

S.Raja Jegan

... Petitioner

Vs

1. The Inspector of Police,
All Women Police Station,
Sivagangai District.
Crime No.21/2022.

2. Saravanan

3. S.Manimegalai

4. S.Irudhayamary

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records of the Impugned Charge sheet in Spl.S.C.No.85 of 2023 on the file of Special Court for the exclusive Trial of POCSO Act cases, Sivagangai and Quash the same.



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For Petitioner : Mr.G.Prabhu Rajadurai,

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

For R2 to R4 : No Appearance

ORDER

This petition has been filed seeking to quash the proceedings pending in Spl.S.C.No.85 of 2023, on the file of Special Court for the exclusive Trial of POCSO Act cases, Sivagangai.

2.When the matter came up for hearing on 05.12.2024, this Court passed the following order:

"Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the first respondent. The respondents 3 and 4 have been served notice and their names have been printed in the cause list. Insofar as the second respondent is concerned, the private notice that was sent to Malaysia has been received and the online copy has been filed along with the proof of service.

2.The main ground that has been taken is that the petitioner is a catholic priest. There is some dispute in the running of the School between the Headmaster and the B.T.Assistants. This has resulted in the complaint given against the petitioner as if he sexually abused two victim girls who were studying in the School. The police report has been filed for



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offence under Sections 7 and 8 of the POCSO Act and Section 506(i) of IPC.

3.This Court carefully went through the statements recorded from the victim girl under Section 164 of Cr.P.C. Both the victim girls have feigned ignorance about this incident. The main ground that was urged by the learned counsel for the petitioner is that a false complaint has been given in this case and the provisions under the POCSO Act has been misused.

4.The first respondent is directed to produce the victim girls along with the parents before this Court on 12.12.2024. The matter shall be posted in the chamber on 12.12.2024 at 5.30 p.m."

3.Pursuant to the above order, this Court directed the two victim girls to be present along with their parents in my Chamber. Accordingly, they were present on 12.12.2024 along with their parents. After examining the victim girls and their parents, this Court passed the following order:

"Pursuant to the earlier order passed on 05.12.2024, the victim girls were present along with their respective mother.

2. The first victim girl stated that she was studying at R.C. School till VIII standard and till she was studying in that school, the petitioner had never misbehaved with any student including the victim girl and that she flatly refuted the allegation that the petitioner was misbehaving with the girl students. She further stated that she is now studying in the IX standard at Michael School at Kalaiyarkovil, Sivagangai District. Her mother also confirmed the said fact and she informed that her daughter had never complained against the petitioner and she was not even aware as to why she was suddenly called to the School regarding this incident.

3. The second victim girl stated that she was studying at R.C. School till VIII standard and till she was studying in that school, the petitioner had never misbehaved with any student



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including the victim girl and that she flatly refuted the allegation that the petitioner was misbehaving with the girl student. She further stated that she is now studying in the 10th standard at Sahaya Rani Girls Higher Secondary School, Susaiapparpattinam, Sivagangai District. Her mother also confirmed the said fact and she informed that her daughter had never complained against the petitioner and she was not even aware as to why she was suddenly called to the School regarding this incident.

4. On putting various questions to the victim girls and their respective mother, I was convinced that the victim girls and parents have been misused in this case to give a complaint against the petitioner as if he misbehaved with the girl students.

*5. Post this case under the caption 'for Part Heard Cases' on **18.12.2024.**'*

4. Heard the learned Counsel appearing on either side.

5. This is yet another case where the provisions of the POCSO Act has been misused in order to settle private scores. This is not an isolated case and this is the third case in my tenure at Madurai Bench of Madras High Court, where I am encountering a case where provisions of the POCSO Act has been misused. Nobody seem to realize the fact that the ultimate sufferer in all these cases is the victim girl, who does not even understand as to what is happening around her. These instances leave an indelible mark in the subconscious of the victim girl and it will continue



with them till the end of their life time. At the time when the POCSO Act was brought into force, Legislature did have in its mind that there may be occasions where the provisions will be misused and that is the reason why the Legislature brought in Section 22 of the POCSO Act. There was some internal dispute within the school and therefore, the some vested interest, thought it fit to settle scores with the petitioner by invoking the provisions of the POCSO Act and by dragging in victim girls, who were not even aware as to why their statements are recorded and were taken to the police station and to the Magistrate Court. In fact, while interacting with the mother of the respective victim girls they stated that they were completely kept in dark and they did not understand as to why they were asked to come to the school in the evening on a particular day.

6.The continuation of the proceedings as against the petitioner will clearly result in abuse of process of law, which requires the interference of this Court. Hence this Court has to necessarily exercise its jurisdiction under Section 482 Cr.P.C and quash the proceedings. While doing so, this Court has to necessarily direct the respondent police to proceed against the person, who started this complaint from the school and initiate action under Section 22 of the POCSO Act. Considering the harassment faced by the



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victim girls, they have already left the school and they are now studying in a different school.

7. In the result, the proceedings in Spl.S.C.No.85 of 2023 on the file of the Special Court for the Exclusive Trial of POCSO Act Cases, Sivagangai, is hereby quashed. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

18.12.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1. The Inspector of Police,
All Women Police Station,
Sivagangai District.

2. The Special Court for the exclusive
Trial of POCSO Act cases, Sivagangai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

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