



Crl.O.P.(MD) No.26 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.01.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.26 of 2024

and

Crl.M.P.(MD) No.29 of 2024

Faheeth Ali @ Fathith

...Petitioner

vs

- 1.The Commissioner of Police,
Madurai City,
Madurai District.
- 2.The Inspector of Police,
Crime Branch CID,
Madurai District,
Madurai.
- 3.The Inspector of Police,
All Women Police Station (South),
Therkuvasal,
Madurai.

4.Afrin

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the respondent No.1 to conduct further investigation of case in Crime No.34 of 2023 pending on the file of the third respondent and



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to call for records with regard to the final report in Spl.S.C.No.202 of 2023 on the file of the Sessions Judge Special Court for the Exclusive Trial of POCSO Act Cases, Madurai and to set aside the same on the basis of the petitioner's representation dated 12.12.2023.

For Petitioner : Mr.T.Indrachithu

For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed to quash the Final Report in Spl.S.C.No.202 of 2023 on the file of the Sessions Judge Special Court for the Exclusive Trial of POCSO Act Cases, Madurai.

2.When the case came up for hearing, the learned counsel for the petitioner seeks a week time to engage a Senior Counsel to argue the case.

3.From the records, it is found that the petitioner is seeking direction for further investigation. As per the petition, the petitioner is an accused and is facing trial in Spl.S.C.No.202 of 2023. It is the submission of the learned counsel for the petitioner only due to settle score regarding property dispute, he had been framed as an accused. The Investigation Officer had not



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conducted fair investigation. When the victim girl was subjected to medical examination, there were no injuries. Also, there were video cameras in the vicinity, where the alleged offence committed and the video footage had not been recovered by the Investigation Officer.

4.What had been claimed by the learned counsel for the petitioner are all the defense available to the accused before the trial Court. Also, as per the reported ruling of the Hon'ble Supreme Court, the accused cannot seek further investigation. Therefore, **this Criminal Original Petition is dismissed** with a direction to the trial Court to dispose of Spl.S.C.No.202 of 2023 as per the provisions of POCSO Act as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed.

Internet:Yes./No

04.01.2024

Index:Yes/No

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To

1.The Commissioner of Police,
Madurai City,
Madurai District.

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- 2.The Inspector of Police,
Crime Branch CID,
Madurai District,
Madurai.
- 3.The Inspector of Police,
All Women Police Station (South),
Therkuvasal,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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