



Crl.O.P.(MD)No.15213 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2025

CORAM

THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.15213 of 2024

and

Crl.M.P(MD) No.9517 of 2024

Akila

... Petitioner/Defacto complainant

Vs.

1.The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
(Crime No.34/2022).

...1st Respondent/Complainant

2.Ravi Karthikeyan

...2nd Respondent/Sole Accused

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to issue a direction to withdraw the case in Spl.SC.No.219 of 2023 on the file of the Special Court for Exclusive Trial of cases under POCSO Act, Theni and transfer the same to the Special Court for the Exclusive Trial of POCSO Act Cases, Dindigul or any other competent Court in nearby the Districts herein.

For Petitioners : M/s.Vaishnavi
for M/s.S.Meena

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

For R2 : Mr.S.Vikram



Crl.O.P.(MD)No.15213 of 2024

ORDER

WEB COPY This petition has been filed seeking transfer of the case in Spl.S.C.No. 219 of 2023 from the file of the Special Court for Exclusive Trial of cases under the POCSO Act, Theni, to the file of the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul, or to any other competent Court in a nearby District.

2. The learned counsel for the petitioner submitted that the petitioner is the mother of the victim as well as the defacto complainant in Crime No.34 of 2022 as against the second respondent. The second respondent is a person to be frightened with and that the petitioner and the victim are not in a comfortable position to conduct the case without fear, apprehending threat to their safety. Hence, the petitioner seeks transfer of the case.

3. The learned Government Advocate, Mr.Thanga Aravindh, would submit that in cases under the POCSO Act, it is the bounden duty of the Police, as first respondent to ensure the safety and security of the victim. If the victim or her family has even an iota of apprehension regarding their safety during the course of trial, a small intimation to the Police would suffice for extending adequate protection and ensuring a fair conduct of the trial.



Crl.O.P.(MD)No.15213 of 2024

4. Per contra, the learned counsel for the petitioner M./s.Vaishnavi, submitted that it is not the question of safety and security of the petitioner and the defacto complainant while testifying their evidence, but the threat is prevailing 24/7 and therefore, sought the indulgence of this Court for transfer of the case.

5. The learned counsel for the petitioner would further submit that during pendency of the POCSO case in Spl.S.C.No.219 of 2023, owing to the inappropriate behaviour of the second respondent towards the victim and her family, an FIR came to be registered in Crime No.206 of 2025 for the offences punishable under Sections 296(b), 79, 232, and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

6. In view of the submissions made by the learned counsel for the petitioner and the assurance given by the learned Government Advocate regarding the safety and security of the victim and her family, this Court directs the first respondent to ensure adequate protection to the petitioner, the victim, and other witnesses, so as to enable them to depose before the learned trial Court fearlessly.



Crl.O.P.(MD)No.15213 of 2024

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

08.12.2025

Indu

To

- 1.The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.15213 of 2024

L.VICTORIA GOWRI, J.

Indu

Crl.O.P(MD).No.15213 of 2024

08.12.2025