



WEB COPY



CrI.O.P.No.1022 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **02.02.2024**

CORAM

THE HON'BLE MR.JUSTICE **N.ANAND VENKATESH**

CrI.O.P.No.1022 of 2024
and CrI MP Nos.692 and 694 of 2024

N.Dharmarajan

... Petitioner /Accused - 1

Vs.

1. State
Rep. by the Inspector of Police
Perambalur All Women Police Station,
Perambalur.

...1st Respondent/Complainant

2. D.Gopinath

..2nd respondent / Defacto complainant

3. Kumar

4. Velmurugan

5. Paraman

..3rd to 5th respondent /Victim's parents

Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for the records in Spl SC No.51 of 2023 pending on the file of learned Sessions Mahila Judge, Perambalur.

For Petitioner : Mr.R.Vivekanandan
For Respondent : Mr.A.Gopinath
Government Advocate (CrI Side)
for R1



WEB COPY



CrI.O.P.No.1022 of 2024

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl SC No.51 of 2023 on the file of learned Sessions Mahila Judge, Perambalur.

2. The case of the prosecution is that the petitioner is a Taekwondo coach. He is said to have sexually abused / assaulted the girls, who came to him for coaching. The information in this regard was received by the 2nd respondent and he conducted enquiry with the students who underwent coaching with the petitioner. Based on his complaint, an FIR came to be registered in Crime No.54 of 2022. On completion of investigation, the final report was filed before the Court below and the same was taken up on file in Spl SC No.51 of 2023 and the Court below took cognizance for offence under Section 7, 8, 21(1) of the Protection of Child from sexual offences Act, 2012 (hereinafter referred to as the POCSO Act) and Sections 3(1) (xi) and 3(1) (xii) of SC /ST (Prevention of Atrocities) Act, 1989.



Crl.O.P.No.1022 of 2024

3. When the petition came up for hearing on 22.01.2024, this

Court heard the learned counsel for the petitioner and also carefully went through the materials available on record.

4. This Court specifically went through Section 164 statements that were recorded from three girls and *prima facie* found that a criminal case has been foisted against the petitioner. In view of the same, this Court passed the following order on 22.01.2024 :-

Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice on behalf of the 1st respondent.

2. Considering the materials placed before this Court, prima facie this Court finds that a case has been made up against the petitioner. Hence, the three victim girls along with their parents shall be present before this Court and the matter will be called in the chamber.

3. Post this case on 2.2.2024 at 5.00 pm. in the chamber.



Crl.O.P.No.1022 of 2024

5. Today, the matter was called in the Chamber. This Court individually examined the three alleged victim girls. All of them categorically stated that the petitioner was as man of good nature and he never indulged in any sexual abuse with any other girl students, who underwent Taekwondo coaching under him. They all stated that one Aravind and Pradeep were instrumental in giving the false complaint against the petitioner.

6. When this Court specifically put questions to the three girls as to why they acceded to the request made by the said Aravind and Pradeep and gave the complaint, they said that those two persons repeatedly told the girls that every time the petitioner touched them during coaching, it was a bad touch and that he had sexually abused other girls also. They further stated that they did not even know as to what was written in the complaint and they were merely asked to sign the complaint. They were very clear in their expressions and all these girls are now studying in various colleges / school and they clearly understood the purport of the statements that they made before the Court. They said that pursuant to the complaint given



Crl.O.P.No.1022 of 2024

against the petitioner, he was forced to stop the academy and they are not aware as to what the petitioner is doing at present.

7. This is an unfortunate case where two disgruntled persons viz., Aravind and Pradeep had an axe to grind against the petitioner. They therefore misused the girls who were undergoing Taekwondo coaching with the petitioner and they fabricated a complaint against the petitioner. Unfortunately, the 2nd respondent who was supposed to make a proper enquiry, believed the above said Aravind and Pradeep and had given a complaint against the petitioner.

8. The girls who were allegedly abused by the petitioner made it clear that no such incident took place at any point of time and the same has been explained in detail supra. This is not the first time these girls are making such a statement. These girls made the very same statement before the learned Additional Mahila Court, Perambalur, when they were examined under Section 164 of Cr.PC. Apart from the statements of these three girls, there is absolutely no other material against the petitioner to prosecute him



CrI.O.P.No.1022 of 2024

for the alleged offence committed by him. Therefore, without any hesitation,

WEB COPY this Court is able to come to a conclusion that a false case has been foisted against the petitioner and the continuation of the criminal proceedings against the petitioner will only result in abuse of process of law which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.PC.

9. This Court cannot draw the curtains by closing this case since the above said Aravind and Pradeep have manipulated the minds of the young girls and had managed to fabricate a false complaint against the petitioner. This clearly amounts to making a false complaint or providing a false information against a person in respect of the offence committed under the POCSO Act, solely with the intention to humiliate / defame the petitioner. This act on the part of the above said Aravind and Pradeep is an offence punishable under Section 22 of the POCSO Act.

10. In view of the above, there shall be a direction to the 1st respondent to immediately take action against Aravind and Pradeep under



Crl.O.P.No.1022 of 2024

Section 22 of the POCSO Act. It is also left open to the 1st respondent to see

if any other offence has been committed by them and accordingly, charge those persons. This process shall be completed by the 1st respondent within a period of four weeks from the date of receipt of a copy of this order.

11. This Court appreciates the sincerity and truthfulness on the part of the three girls who underwent Taekwondo coaching under the petitioner and the respect that they had for the petitioner. These girls have virtually given a new lease of life to the petitioner who has now come out clean and he can lead his life without the taboo of being branded as a sexual offender.

12. In the result, the proceedings in Spl SC No.51 of 2023 pending on the file of learned Sessions Mahila Judge, Perambalur, is hereby quashed and this Criminal Original Petition is allowed with the above directions.

13. In view of the quashing of the proceedings as against the petitioner (A1), the said benefit has to enure in favour of A2 also even though he has not filed a separate quash petition. Therefore, the proceedings



Crl.O.P.No.1022 of 2024

are quashed in its entirety. Consequently, connected miscellaneous petitions
are closed.

WEB COPY

02.02.2024

rka

Index : Yes

Speaking order: Yes

Neutral citation: Yes

To

1. Sessions Mahila Judge, Perambalur.

2. State

Rep. by the Inspector of Police

Perambalur All Women Police Station,
Perambalur.

3. The Public Prosecutor,
High Court, Madras



WEB COPY



CrI.O.P.No.1022 of 2024

N.ANAND VENKATESH,J

rka

CrI.O.P.No.1022 of 2024

02.02.2024