

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.5676 of 2026

and

CrI.M.P.No.4247 of 2026

D.Rajesh

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Karumathampatty,
Coimbatore District.
(Crime No.7 of 2025)

2.Nagajothi

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records in Spl.S.C.No.451 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and quash the same.

For Petitioner : Mr.R.John Sathyan
Senior Counsel
for Mr.D.Senthur Kugan
For R1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor
For R2 : M/s.Kowsar Sulthana.T.

ORDER

The petitioner/accused facing trial in Spl.S.C.No.451 of 2025 before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Coimbatore, for the offence under Sections 9(1), 9(n), 10 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and Section 67B(a) of Information Technology Act, filed this quash petition.

2.The case of the prosecution is that the defacto complainant is the mother of minor girl aged about 12 years studying 8th Standard in RVS Matriculation School, Sulur, Coimbatore. The defacto complainant earlier married one Gnanasekaran and out of the marriage, she had two children, namely, the victim and her brother. Three years prior to the incident, the defacto complainant got separated from Gnanasekaran and started living with her children and her grandmother. At that time, the defacto

complainant became friendly with the petitioner, who was also married having two children but living separately. The defacto complainant married the petitioner and they started living as husband and wife along with two minor children born to the defacto complainant and her first husband. Six months prior to the incident, the petitioner sent obscene photographs regularly to the victim. On 17.08.2025, the petitioner made improper touch on the lips, chest and private parts of the victim when she was alone. Further, the petitioner forced the victim to view nude photographs and pictures which he was regularly sending to the victim. The defacto complainant is a Beautician and she will be away for work, taking advantage of the loneliness of the victim the petitioner continuously harassing and making improper touch on the victim. The victim informed her mother and thereafter, the defacto complainant called the Child Helpline and a person from the Child Helpline came to the defacto complainant's house, enquired the defacto complainant and victim, thereafter lodged a complaint to the respondent police. The respondent police registered FIR, recorded the statement of defacto complainant, victim, defacto complainant's mother, Child Helpline Staff, collected the date of birth details of the victim from School Principal and Health Inspector, Corporation of Coimbatore.,

Chairman of Child Welfare Committee enquired. The mobile phone seized and sent to forensic examination and 164 statement of the victim recorded. On conclusion of investigation, charge sheet filed listing LW1 to LW15 and documents.

3.The contention of the learned counsel for the petitioner is that the petitioner is the husband of the defacto complainant, both the petitioner and the defacto complainant earlier had marriage separately but got separated from their first marriage, thereafter the petitioner married the defacto complainant and they were living as husband and wife for the past three years along with the minor son and minor daughter of the defacto complainant born through her first husband and the defacto complainant's grandmother. It is the petitioner who was taking care of family, minor children education and their other needs. The petitioner after the marriage insisted the defacto complainant not to go for beautician job and to be a house wife since the petitioner as Beautician was travelling on and off and coming back home at odd hours, hence there was a regular heated arguments over this issue. The minor children not understanding the real reason for the fight developed animosity against the petitioner as though he is ill-treating

their mother and at times, there was also use of force. All got magnified and taking advantage of the minority of the children, a false case foisted against the petitioner. The specific case is that the petitioner was sending obscene photographs and videos to the mobile phone of the victim and not a forward. In this case, the forensic report confirms that the access to social media was through Instagram by the user of the mobile phone. It is also to be seen that from whom and where the mobile phone seized, there is no record. In any event, there is no forwarding of any such photographs and videos. Thus the foundational fact that the petitioner used to send obscene photographs and videos and making improper touch of the victim is proved to be false. Further, the 164 Statement given by the victim is a tutored version influenced by the Child helpline, defacto complainant and others. A bare reading of 164 statement would show it is highly imaginary and exaggerated version and defies normal conduct. It is to be seen that after recording the 164 statement, neither the victim nor the defacto complainant was examined again to confirm since it contradict the earlier statement. In this case, a matrimonial discord between the husband and wife magnified and using the minor girl as a ploy implicated the petitioner. Now realizing the mistake and good sense reined by elders and family members, the defacto complainant

and the victim girl finding the earlier allegations made was due to knee jerk reaction, now not inclined to proceed with the case. In fact, the petitioner is still paying the educational expenses and other expenses for the defacto complainant and her children. Now, realizing the mistake, the defacto complainant agreed to withdraw the case.

4.The learned Additional Public Prosecutor strongly opposed the petitioner's contention and submitted that in this case, the defacto complainant is none other than mother of the victim, finding her daughter always glued to the mobile phone, inspected the mobile phone and found the obscene and nude photographs and videos. When the defacto complainant questioned, the victim revealed that for the past six months, the petitioner was sending obscene photographs and videos, further whenever the victim was alone the petitioner used to make improper touch on her private parts and on her body. Out of fear victim not disclosed the fact earlier and on enquiry, she disclosed the entire facts, getting shocked, the defacto complainant on the advise of others called the Child Helpline and a person from the Child Helpline visited the house of the defacto complainant, enquired the defacto complainant and victim, thereafter complaint lodged.

The victim was also taken to Chairman of the Child Welfare Committee, who also enquired the victim and confirmed that the victim was subjected to sexual assault and complaint lodged to the respondent who registered FIR, recorded the statement of victim, defacto complainant, witnesses present in the scene of occurrence, nearby residents and the victim's statement recorded. The age certificate of the victim collected, mobile phone seized and sent for forensic examination. The forensic report confirms the availability of observed video contents. On conclusion of investigation, charge sheet filed listing witnesses and documents. He fairly submitted that the petitioner is still supporting the defacto complainant's family and now they have cordial relationship.

5. Today, the defacto complainant and the victim appeared before this Court, their identity confirmed by the respondent police. During interaction in my Chamber, the victim confirmed that since her mother was beaten badly by the petitioner and the petitioner used to come in a drunken state, always quarrelling and seen fighting with her mother, for the ill-treatment, she gave earlier statements. The defacto complainant was enquired and she confirmed that a matrimonial discord and forcing her not to continue her

profession lead to lodging the complaint. The defacto complainant further confirmed that the petitioner is still supporting and taking care of their requirements.

6.The petitioner and the defacto complainant filed confirming affidavits individually and a joint compromise memo. From the affidavits, it is seen that the petitioner and the defacto complainant having good relationship for around eight years and thereafter, for some reason the petitioner started moving away from the defacto complainant and in a fit of rage, the defacto complainant lodged a magnified complaint as though the petitioner misbehaved with her daughter. Further, it is seen that in this case the petitioner right from beginning taking care of both the defacto complainant and her children with love and affection. There cannot be sudden change of mind, to indulge in such acts as alleged. Hence, realizing the mistake committed, the issue got resolved amicably. In view of the same, this Court finds that continuation of the proceedings will serve no purpose, on the other hand it would only cause damage and affect the well being of the family.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the case in Spl.S.C.No.451 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore is hereby quashed. Consequently, connected miscellaneous petition is closed.

24.03.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

1. The Inspector of Police,
All Women Police Station,
Karumathampatty,
Coimbatore District.
2. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

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