



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 16224 of 2026

and

Crl.M.P.Nos.10682 & 10685 of 2026

Madhan Raj
S/o. Karthikeyan,
No.2/1471,
B.Sri Karpaga Vinayagar Nagar,
4th Main Road,
147H Cross Street,
Injambakkam,
Chennai - 600 119.

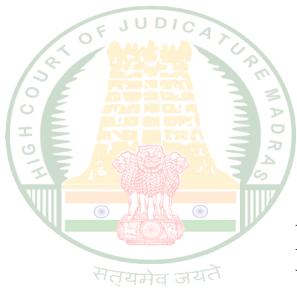
..Petitioner(s)

Vs

1. The State Rep.by, The Inspector of Police,
All Women Police Station,
Gummidipoondi,
Tiruvallur District.
2. Ramki
S/o. Palani,
District Child Protection Officer Social Worker,
District Collectorate,
Collectrate,
Tiruvallur Taluk,
Tiruvallur District - 602 001.

..Respondent(s)

Petition filed under Section 528 of BNSS, praying to call for records pertaining to the Charge Sheet in Spl.S.C.No.75 of 2026 pending on the file of the Honble Special Court of Exclusive Trial of Cases under Pocso Act, at Tiruvallur and quash the same.



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For Petitioner(s):
For Respondent(s):

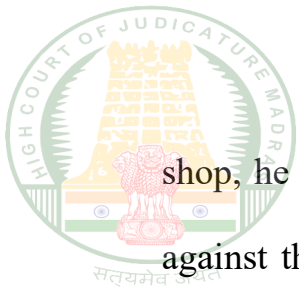
Mr.V.C.Vinoth Kumar
Mr.M.Mohamed Riyaz
Government Advocate for R1

ORDER

This Criminal Original Petition has been filed with a prayer to call for the records pertaining to the Charge Sheet in Spl.S.C.No.75 of 2026 pending on the file of the Special Court of Exclusive Trial of Cases under Pocso Act, at Tiruvallur and to quash the same.

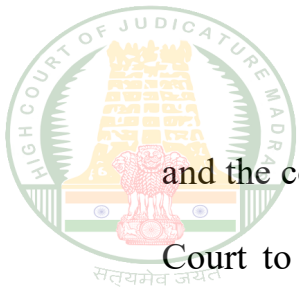
2. Upon hearing the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) for the first respondent and perusing the materials available on record, it can be seen that on a complaint that the petitioner was harassing a 13 years old girl child, for which the FIR was registered against him and the same was taken cognizance by the learned Judge, Special Court of Exclusive Trial of Cases under Pocso Act, at Tiruvallur in Spl.S.C.No.75 of 2026.

3. It is the case of the prosecution that the petitioner proposed love to the victim girl and after two days, he gave his phone number to the girl child. Thereafter, they had contact over phone and on 05.02.2026, when the victim's father saw the victim as well as the petitioner standing near the petitioner's



shop, he warned him and subsequently, the victim's father lodged a complaint against the petitioner and a case was registered against the petitioner and was taken on file in Spl.S.C.No.75 of 2026 by the learned Judge, Special Court of Exclusive Trial of Cases under Pocso Act, at Tiruvallur. Hence, the present Petition.

4. The learned counsel for the petitioner submitted that by pointing out the statement made by the victim girl itself that, who had merely stated before the learned Magistrate that one elder brother proposed that he was in love with her and she replied that if her father comes to know, he will be in problem and thereafter, on another day, she collected the phone number from the petitioner and was talking with him over phone. He further submitted that on yet another day, when the petitioner and the child were standing and talking near his shop, the victim's father saw and admonished the petitioner and thereafter, made a complaint which resulted in registration of the case against the petitioner and was taken on file by the learned Judge, Special Court of Exclusive Trial of Cases under Pocso Act, at Tiruvallur in Spl.S.C.No.75 of 2026. He also contended that mere uttering the words to the child without any ulterior intention whatsoever or without any further physical touch with the child, the same would not amount to an offence punishable offence under Section 12 of the POCSO Act. He added that moreover the entire complaint is a motivated one as the petitioner is having his scrap shop near the house of the victim child



and the complaint was given only to wreak vengeance and hence, he prayed this Court to quash the proceedings as against the petitioner in Spl.S.C.No.75 of 2026.

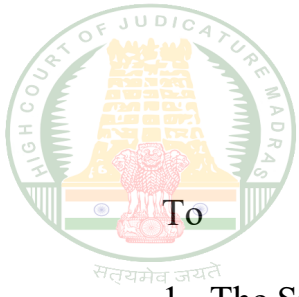
5. The question whether the particular acts of the petitioner would amount to an offence to a child and the procedure by taking into account the age of the petitioner and the child and the talks that the child and the manner in which the petitioner said to have behaved with the child; whether there was any further intention or not are all questions to be considered only after detailed appreciation of the evidence and cannot be determined at this stage by this Court on the mere contentions of the petitioner. Even with reference to the mala-fide intention, I do not see any unimpeachable circumstance or document to conclude in the quash stage itself that it is motivated.

6. In view thereof, keeping open the liberty to the petitioner to agitate all these questions raised herein before the trial Court in the manner known to law, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

29-06-2026

Neutral Citation: No

DP



To

1. The Special Court of Exclusive Trial of Cases
under Pocso Act, at Tiruvallur.
2. The Inspector of Police,
All Women Police Station,
Gummidipoondi,
Tiruvallur District.
3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

DP

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