



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 19276 of 2026
and CRL.MP.Nos.12827 and 12828 of 2026**

Selvam

..Petitioner(s)

Vs

1. The Inspector of Police
Veeraganur Police Station,
Salem District.
2. DASS MA DSD,
Chairman,
Child Welfare Board,
Anderson Schools Campus,
Yercaud Main Road,
Salem - 7.

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records in connection with Crime No.204 of 2020 in Spl.S.C.No.179 of 2023, Sessions Judge, Special Court for exclusive of cases under POCSO Act, pending on the file of the 1st Respondent Police and Quash the same and pass such further or other orders as this Honorable Court may deem fit.

For Petitioner(s):

Mr.L.Ramu

For Respondent(s):

Mr.M.Mohamed Riyaz,
Government Advocate (Crl. Side), For R1



ORDER

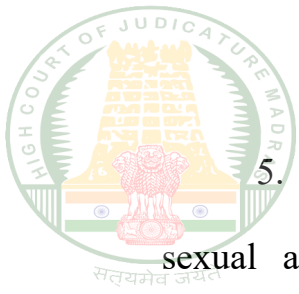
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The prayer in the Criminal Original Petition is to quash the proceedings in Spl.S.C.No.179 of 2023, on the file of the learned Sessions Judge, Special Court for exclusive of cases under POCSO Act, Salem.

2. Upon perusal of the First Information Report, it can be seen that the petitioner is alleged to be a relative of the victim child and as such had access to the child at the house. Therefore, when the child was alone, it is stated that the petitioner committed sexual assault and thereafter, penetrative sexual assault on the child. As such, the case is registered and after investigation, final report is now filed and the case is pending before the Court.

3. The contention of the learned counsel for the petitioner is that there is no independent witness in the entire case and the victim child and all the family members alone have deposed before the Police and admittedly there is a civil dispute between the parties.

4. I have considered the said submissions made by the learned counsel for the petitioner.



5. When the relative of the child commits sexual assault/penetrative sexual assault on the child within the house, the argument relating to independent witness etc., cannot be accepted. With reference to the allegation of malafide prosecution, the same cannot be treated as an incontrovertible fact by this Court at this stage and the petitioner has to establish the same during the course of the trial. Therefore, keeping open the liberty of the petitioner to raise all grounds during the course of the trial, the prayer made in the Criminal Original Petition cannot be countenanced. As such, the Criminal Original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

21-07-2026

Neutral Citation: No
PVS

To

1. The Sessions Judge, Special Court for exclusive of cases under POCSO Act, Salem
2. The Inspector of Police
Veeraganur Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras



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D.BHARATHA CHAKRAVARTHY, J.

PVS

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