



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19621 of 2026

Arun Kumar,
S/o. Sarangabani
No.68, B- Block, 8th floor,
NTO Kuppan, Thiruvottriyur,
Chennai-600 019.

..Petitioner(s)

Vs

1. State rep. By The Inspector of Police
W-14 AWPS, Thiruvottriyur,
Chennai Dt..
(Crime No.11 of 2025)

2. Stella,
W/o.Ramesh,
No.113, 10th Floor,
NTO Kuppan, Thiruvottriyur,
Chennai-600 019.

..Respondent(s)

PRAYER

Criminal Original Petition filed under Sec.528 of B.N.S.S. 2023, praying to quash the charge sheet filed by the 1st respondent and pending before the Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Thiruvallur Court, Thiruvallur District in Spl.S.C.No.45 of 2026.

For Petitioner(s): Mr. C.Balaji

For Respondent(s): Mr. R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) For R1



ORDER

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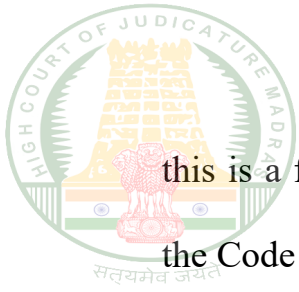
1. This Criminal Original Petition seeks to quash the charge sheet filed by the first respondent in Spl.S.C.No.45 of 2026 on the file of Special Court for Exclusive trial of cases under POCSO Act, Thiruvallur Court, Thiruvallur District for the alleged offences under Sec.5(1)(, 5(n) r/w 6 of POCSO Act, 2012 @ 5(l), (5(n) r/w 6(1) of POCSO Act, 2012. The parties seek to quash the case on compromise.

2. The de facto complainant being the mother, who lodged the complaint is present in court along with his two daughters. Her elder daughter is the wife of the petitioner Arun Kumar and the victim is the younger daughter. It is now stated by the elder daughter that she is living together with the petitioner Arun Kumar as a family and requests that the case need not be proceeded further. The mother, being the de facto complainant also requests that the case need not be proceeded further. The victim child has now attained the age of majority and she also requests that she doesn't want to prosecute the case further. She is a school drop off with 10th standard and she is trying for odd job and she is supported by her mother.



3. This is a case under the POCSO Act and as such this court cannot go by the version of the de facto complainant or the victim child alone. The court has

to consider the entire facts of the case. It can be seen from the record that when the victim child was examined before the trial court, she did not support the case of the prosecution. Originally, the mother had lodged the complaint that the accused being the husband of her elder daughter has misbehaved with the younger daughter also, which includes penetrative sexual assault. The said fact though originally was accepted by the victim child and during the subsequent examination, she had denied the same on 03.07.2025. Thus, it can be seen that apart from the compromise between the parties, no meaningful outcome of the trial is also possible. Further, when considering their own family background and when the parties have ironed out their issue, they do not want to proceed further with the case for the very interest of the victim child and the victim child also submitted before this court that she did not intend to continue the case, I am of the view that this is a peculiar case where this Court can exercise the extraordinary power under Section 482 of the Code of Criminal Procedure as by holding that the dispute is private in nature. It is now stated by the de facto complainant mother that on account of the family dispute, she was made to give an embellished complaint. For all the aforesaid reasons, by considering the dispute as private in nature within the family and holding that it has come within the broad contours as prescribed by the Hon'ble Supreme Court of India in *Gian Singh vs. State of Punjab and another* (2012 10 SCC 303), I hold that



this is a fit case for exercise of extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure.

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4. In view thereof, this Criminal original Petition in Crl.O.P.No. 19621 of 2026 stands allowed. The further proceedings in Spl.S.C. No. 45 of 2026 on the file of Special Court for Exclusive trial of cases under POCSO Act, Thiruvallur Court, Thiruvallur District shall stand quashed.

23-07-2026

Neutral Citation: Yes/No
RPP

To

1. Special Court for Exclusive trial of cases under POCSO Act, Thiruvallur Court, Thiruvallur District.

2. The Inspector of Police, W-14 AWPS Thiruvottiyur, Chennai Dt.

3. The Public Prosecutor, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY J.

RPP

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