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Crl.O.P.No.32374 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.06.2026
PRONOUNCED ON : 09.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32374 of 2025 and
Crl.M.P.Nos.22463 & 22467 of 2025

S.Divya, (F/Aged 31 Years),
D/o.T.Selvaraj,
No.17, City Limit Road,
Secretary Colony, Adambakkam,
Chennai-600 088.

... Petitioner

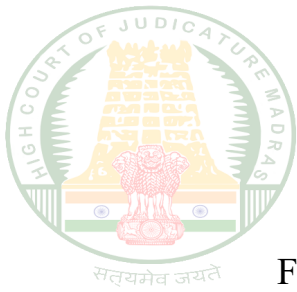
Vs.

1.The State Represented by
The Inspector of Police,
W-32 All Women Police Station,
Madipakkam, Chennai-600017.
(Crime No.7 of 2025).

2.Tamizh Selvi, (F/Aged 37 years),
W/o.Sivanathil,
No.21/3, 4B Thai Homes, Secretariat Colony,
First Main Road, Adambakkam,
Chennai-600088.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pursuant to the Spl.S.C.no.247 of 2025 on the file of the Special Court under POCSO at Chengalpet and quash the same.



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For Petitioner : Mr.P.L.Narayanan, Senior Counsel for
Mr.G.M.Gokul Ram for
M/s.Ram Gokul Advocates & Associates
For R1 : Mr.R.Rajasekaran,
Government Advocate (Crl. Side)
For R2 : Ms.N.Premalatha

ORDER

The petitioner facing trial in Special S.C.No.247 of 2025 for offence under Section 12 of Protection of Children from Sexual Offences Act, 2012 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 before the learned Special Judge, Special Court for exclusive trial of cases under POCSO Act, Chengalpet (trial Court), filed this Quash Petition.

2.Case of the prosecution is that the 2nd respondent, the mother of the victim lodged a complaint that her minor daughter of 13 years old was subjected to verbal threats and psychological intimidation by her own Aunt and her friend Guna. The petitioner and the said Guna continuously threatened the victim to expose and publicly shame the victim over some private conversation of a personal and sensitive nature related to sex, which the victim had in privacy with the petitioner. Due to the threat, the victim was put under severe mental stress and she had gone to depression and was taken for psychology treatment. The threat made by the petitioner and her friend Guna



through phone and whatsapp involves private matters of the family members.

To shame, humiliate and mental torture the victim, the petitioner indulged in such activities. The 2nd respondent had to isolate her daughter from these pressure, hence, she was put to a school in Madurai for change of environment and to protect her from the petitioner and Guna. On the complaint of the 2nd respondent, FIR registered in Crime No.7 of 2025 for offence under Section 12 of Protection of Children from Sexual Offences Act, 2012 and Section 75 of Juvenile Justice Act, 2015. During investigation, the 2nd respondent/mother of the victim, victim, victim's father, victim's Aunt, victim's Uncle and relatives examined and their statements recorded. The mobile phone used by the victim and the petitioner collected and sent to forensic examination. Further, the school certificates of the victim collected and 164 Cr.P.C. statement of victim confirmed the sexual assault made by the petitioner. On conclusion of investigation, charge sheet filed before the trial Court listing 17 witnesses and documents.

3.Learned Senior Counsel for the petitioner submitted that the petitioner married the brother of the 2nd respondent's husband on 04.09.2016. Out of the wedlock, they have two children, namely, S.D.Rithwik Mano, born on 28.05.2017 and S.D.Sithwik Mano born on 10.05.2020. Thereafter, the



petitioner's husband and his family members started demanding one-third share in the property of the petitioner's father and also insisted money be provided for their fishnet business and for the purchase of Apple Company. They further insisted that the petitioner's father's property should be divided and a share be given to the petitioner, instead of giving entire property to the petitioner's brother. When the petitioner resisted the demands, misunderstandings arose and she was abused and forced out of the matrimonial home. Unable to withstand the harassment and cruelty, the petitioner lodged complaint before the Adambakkam Police, and CSR No.180 of 2024 dated 31.03.2024 assigned. Thereafter, a case in Crime No.13 of 2024 registered on 04.12.2024 against the petitioner's estranged husband, including the 2nd respondent's husband. The case is now pending trial before the Additional Mahila Court, Alandur for the offences under Sections 74, 77, 78 and 79 of BNS and Section 67 of the Information Technology Act, 2000 and Section 498A IPC. To counter the same, the petitioner's estranged husband filed H.M.O.P.No.422 of 2024 before the Family Court, Nagercoil seeking restitution of conjugal rights. The petitioner filed a domestic violence complaint in D.V.C.No.31 of 2024 on 10.04.2024 before the Additional Mahila Court, Alandur. She also filed O.P.No.409 of 2024 before the Subordinate Court, Alandur, on 17.04.2024 seeking divorce on the ground of cruelty,



besides filing M.C.No.27 of 2024 before the Additional Mahila Court,

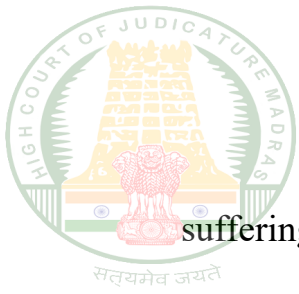
Alandur, claiming maintenance. It is further submitted that in order to bring the petitioner to her knees and compel her to withdraw all the cases filed against her estranged husband and his family members, the 2nd respondent devised a plan and sent a complaint to the Child Welfare Committee on 30.05.2025 and also to the Joint Commissioner of Police, South Zone, Chennai which was forwarded to the Inspector of Police, W-32 All Women Police Station, Madipakkam, for immediate action. In the said complaint, the 2nd respondent projected herself as Personal Assistant to Hon'ble Mrs.Justice J.N.Nisha Banu and influenced the Police and other officials to foist false case against the petitioner. Owing to the use of the said designation, the 1st respondent police left with no other option but to file the charge sheet. Thus, from the above narration, it is clear that the present case is nothing but a counterblast to the legal proceedings initiated by the petitioner to defend herself seeking justice.

4.He further submitted that even going by the complaint, the alleged occurrence said to have taken place three years prior to lodging of complaint in the year 2025, i.e., sometime in the year 2022. The petitioner was driven out from the matrimonial home much earlier and thereafter there was no



communication or any relationship between the petitioner and the 2nd

respondent's family. There was no reason or occasion for the victim and the petitioner to be together at the relevant point of time. He further submitted that from the victim's statement recorded under Section 164 Cr.P.C., it is clear that she was studying in 9th std when the statement recorded, but the act of misbehaviour said to have occurred when she was studying in 6th std. Thus, there is an inordinate delay in lodging the complaint. It is the admitted position that the victim, in her statement, stated that she used to weave stories with false allegations to gain sympathy and that she was under hallucination. It is also seen that she had undergone treatment with a psychologist at Mind Zone. Thus, the victim's mental health condition was taken advantage by the 2nd respondent and her family members and the victim was tutored to give an exaggerated version far from truth, thereby, projected a case against the petitioner which defies logic. He further submitted that the victim studied at DAV School, Pallikaranai, and later shifted to Queen Mira International School, Madurai are pursuant to the decision taken by the 2nd respondent's family, but these circumstances are now projected against the petitioner. The victim was having perverted intelligence of adult which is taken advantage. The present false case filed with spite and venom and to wreak vengeance against the petitioner for filing cases seeking redressal for her matrimonial



sufferings and pain.

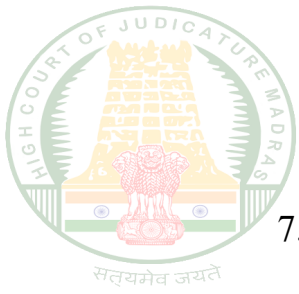
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5.In support of his submissions, learned Senior Counsel relied on the decision of the Hon'ble Apex Court in ***Haji Iqbal alias Bala through S.P.O.A v. State of Uttar Pradesh and others*** reported in ***(2024) 15 SCC 776*** for the point that where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge and the judicial process no doubt should not be an instrument of oppression or needless harassment. Further placed on the decision of this Court in ***S.Saranavel v. The State represented by the Inspector of Police, All Women Police Station, SRMC Range, Chennai in Crl.O.P.No.632 of 2024 dated 23.04.2025***, wherein this Court following the decision of the Hon'ble Apex Court in ***State of Haryana and others v. Bhajan Lal and others*** reported in ***1992 Supp(1) SCC 335*** quashed the proceedings when it found that the criminal case is manifestly attended with malafide and the proceedings is maliciously instituted with an ulterior motive. In view of the above, the petition is liable to be allowed.

6.Learned Government Advocate (Criminal Side) appearing for the respondent Police strongly opposed the petitioner's contention and submitted



that the victim was 11 years old and the petitioner is her aunt. The victim's family and the petitioner's family were living as joint family and the victim was very friendly with the petitioner. The petitioner, who was in the habit of viewing YouTube, forced the victim to view YouTube song "Tum Hi Ho" and later the victim developed interest on such video, as a result, her studies and behavioural pattern changed. The parents initially was not aware about it. After finding that the victim glued to the mobile phone, she was taken to psychologist and a deep study conducted. It revealed that the victim influenced and her mind corrupted by viewing YouTube song "Tum Hi Ho". Later the victim gained confidence and disclosed the fact that the petitioner used to show photographs, make improper touch on her body and also masturbate. The victim in her 164 Cr.P.C. statement before the Magistrate confirmed the same. The victim's parents and her family members all enquired, their statements recorded and charge sheet filed. The mobile phones of the petitioner and the victim's father collected and sent to forensic examination which would confirm that how the victim glued to the mobile phone and got oriented to view the said video. He further submitted that in this case, the petitioner filed the discharge petition before the trial Court in Crl.M.P.No.467 of 2025 and it is posted for hearing on 24.07.2026. In the meanwhile, the present petition is filed.



7.The learned counsel for the 2nd respondent/defacto complainant strongly opposed the petitioner's contentions and submitted that the petitioner is the estranged wife of 2nd respondent's husband brother. Initially, the 2nd respondent unable to find out the reason for her daughter/victim's lack of interest in her studies and her addiction to the mobile phone. Finding the behavioural changes on the victim, she was taken to psychologist and after considerable persuasion and counselling, the victim revealed that the petitioner, taking advantage of the close relationship, had shown YouTube song “Tum Hi Ho” and made improper touch on her. It was further submitted that the victim's concentration on her studies completely diverted and her behavioural pattern also changed. Thereafter, to save and protect her future, the victim was shifted to a new environment and school at Madurai, where she is presently residing and undergoing psychological counselling and attending school. Now the 2nd respondent forced to stay away from her beloved daughter. Due to her employment, the 2nd respondent deprived of living and sharing love, care and affection to her daughter because of the act of the petitioner. The learned counsel further submitted that the cases pending between the petitioner and the 2nd respondent's brother-in-law and his family are primarily matrimonial cases. The pendency of matrimonial proceedings cannot give licence to the petitioner to commit serious offences under the



POCSO Act by exploiting the victim. She further submitted that in the present

case, based on the complaint of the 2nd respondent, the investigation completed and charge sheet filed. The points raised by the petitioner are disputed facts which has to be necessarily decided during trial and not in the quash application. In support of her submissions, learned counsel for the 2nd respondent relied on the decision of the Hon'ble Apex Court in the case of ***Muskan v. Ishaan Khan (Sataniya) and others*** reported in ***2025 SCC OnLine SC 2355*** for the point that quashing of the FIR/complaint should be exercised sparingly with circumspection and in rare cases. While considering the application under Section 482 Cr.P.C. the Court are not required to go into the merits of the allegation and/or evidence in detail as if conducting the mini trial.

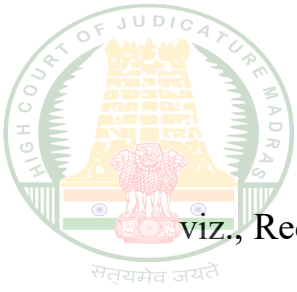
8.Considering the submissions and on perusal of the materials, it is seen that in this case, the 2nd respondent is the mother of the victim and the petitioner is none other than the sister-in-law of the 2nd respondent. Both the family had a close relationship till they fell apart. The marriage between the petitioner and her husband took place on 04.09.2016. Out of the wedlock, they have two children, namely, S.D.Rithwik Mano born on 28.05.2017 and S.D.Sithwik Mano born on 10.05.2020. Thereafter, they had some matrimonial discord, hence, they got separated. During the period when the



2nd respondent's family and the petitioner's family were living together jointly, the victim was fond of her aunt/petitioner, and they were often seen together.

Later, the victim became disoriented, lost interest in her studies and found to be engrossed in the mobile phone. After persistent questioning and psychological counselling, it came to light that the victim exposed to see YouTube song “Tum Hi Ho” by the petitioner and the victim was threatened which was the reason for her not disclosing the incident earlier. The victim developed interest in viewing the said video song. Further, the petitioner made improper touch on the victim is the allegation. No doubt, there had been matrimonial discord, and the petitioner fighting against dowry demands, cruelty and harassment. In the year 2024, she filed domestic violence complaint, divorce petition, maintenance case and criminal case against her husband, in-laws including the 2nd respondent's husband/father of the victim.

9.It is seen that the cases filed by the petitioner momentum gained and the present case came to be registered. Even in the complaint, the 2nd respondent referred to her official status. Be that as it may, admittedly, there is acrimony between the petitioner and the 2nd respondent for quite some time. In this case, the entire case hinges on the photographs and videos available in the mobile phones of the petitioner and the victim's father. Both mobile phones



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viz., Redmi Note 9 Pro (Blue colour) mobile phone collected from the victim's father and iPhone (Yellow colour) seized from the petitioner sent for forensic examination. But the forensic report is yet to be received.

10.The primary allegation against the petitioner is that she forced the victim to view YouTube song “Tum Hi Ho”, which contains kissing and intimate scenes, besides other obscene materials. There are other allegations against the petitioner in this case. The evidentiary value of the electronic gadgets seized can be found only after the forensic report. Though the mobile phones seized in the presence of LW10 and LW11, no forensic expert cited as witness in the charge sheet and no forensic report in the charge sheet.

11.Be that as it may, in this case, the 2nd respondent, the mother of the victim, lodged the complaint. The victim examined and her statement under Section 164 Cr.P.C. also recorded. The primary ground raised by the petitioner is that she falsely implicated due to ill-motive spite vengeance. The question of motive is a disputed question of fact, which cannot be decided in a quash petition. Likewise, whether the victim had any perverted intelligence of adult is also a questionable fact. The evidence of LW14, the psychologist and her



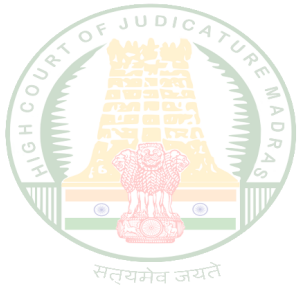
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report are to be considering. Whether the victim discontinued her studies and whether she attended the school on the date of occurrence, are matters which can be established only through the evidence of LW12 and LW13. Further, the mental state of the victim is spoken to by LW14, the psychologist, and there is statement recorded under Section 164 Cr.P.C. implicating the petitioner. In this case, there are allegations and counter-allegations between the parties and several disputed questions of fact persist, which cannot be decided in a petition seeking quashing of proceedings. The truthfulness or otherwise of the allegations and the defence put forth by the petitioner are matters of evidence and materials. Hence, this Court is not inclined to quash the proceedings against the petitioner.

12.In the result, this Criminal Original Petition stands dismissed. It is made clear that the observations made herein is only for the limited purpose of deciding this Quash Petition. The trial Court to decide the case on its own merits uninfluenced with the order of this Court. Consequently, connected Criminal Miscellaneous Petition is closed.

09.07.2026

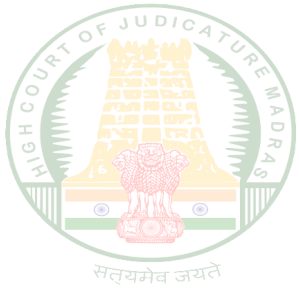
Speaking order/Non-speaking order
Index: Yes/No
Neutral Citation: Yes/No
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To

- 1.The Special Court under POCSO Act,
Chengalpet.
- 2.The Inspector of Police,
W-32 All Women Police Station,
Madipakkam, Chennai-600017.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN
Crl.O.P.No.32374 of 2025

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