

Crl. O.P. No. 632 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 632 of 2024

and

Crl. M.P. Nos. 430, 432 of 2024 & 4731 of 2025

S.Saravanavel

... Petitioner

Vs

1. The State represented by,
The Inspector of Police,
All Women Police Station,
SRMC Range, Chennai - 600 122.

2. XXX (Minor)

3. Sivaranjana
(R3 suo motu impleaded as per order
dated 21.02.2024 in Crl.O.P.No.632 of 2024
and Crl.M.P.Nos.430 & 432 of 2024)

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings in Special S.C.No.175/2023 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act at Chengalpattu for offences under Sections 294(b), 324, 354, 354(A) (2), 506(2) of IPC and under Sections 9(l) 9(n), 10, 11(1), 11(5), 12 of POCSO Act, 2012 and Section 4 of TNPHW Act, 1998.



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For Petitioner : Mr. G. Arun Kumar

For Respondents : Mr. R. Vinothraja
Government Advocate (Crl. Side) for R1
Mr.T.John Alexander for R3

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl. S.C. No. 175 of 2023 on the file of the Special Court for Executive Trial of Cases in POCSO Act, Chengalpattu.

2. The case of the prosecution is that, the complaint was lodged by the second respondent namely victim on 24.06.2022. She is living with her parents, grandfather and grandmother in the same house. Her father is suffering from mental disorder and as such, her grandparents used to scold her with filthy language. Her grandfather has a habit of consuming alcohol and he used to drink daily and scold her mother with abusive language. It is alleged that her grandfather used to touch her inappropriately and he has also threatened not to disclose it to anybody. Therefore, the second respondent has suffered mental torture. While being so, on 23.06.2022 her grandfather had groped the thigh of the victim girl and the same was informed to her mother. On the next day it was questioned by her mother and as such, her grandfather attacked her with wooden log and also abused her in filthy language.

3. On receipt of the said complaint, the first respondent registered the



FIR for the offences punishable under Sections 294(b), 324, 354, 354(A) (2), 506(2) of IPC and under Sections 9(l) 9(n), 10, 11(1), 11(5), 12 of POCSO Act.

After completion of investigation, the first respondent filed final report and the same has been taken cognizance by the trial Court in Spl. S.C.No.175 of 2023 in which the petitioner is arrayed as accused.

4. Learned counsel for the petitioner would submit that he is a retired Chief Engineer of Highways Department. His wife is the Principal of Government College. They have one son and one daughter. They had purchased several properties in their name and also in the name of their children. Their daughter got married and is settled at USA. Their son is a mentally disordered person and he is taken care by the petitioner and his wife. While being so, one of their property was settled in favour of their daughter and due to which, there is a property dispute.

5. Infact, the petitioner and his wife are maintaining their son and his entire family namely the victim and her mother. After the marriage between the petitioner's son and his wife, they gave birth to the victim. Without even looking after the victim, her mother used to go for acting. Therefore, from the childhood of the victim, the petitioner and his wife are taking care of her. While



being so, in the year 2018, the third respondent was arrested and remanded to judicial custody by anti-vise squad police under The Immoral Traffic (Prevention) Act. When it was questioned by the petitioner and his wife, she abused them in unparliamentary words. Since the petitioner's son is mentally disordered, the petitioner and his wife's daily life is miserable at the hands of the mother of the second respondent. Therefore, the petitioner and his wife insisted her to go out from the house.

6. In order to escape from the said proceedings, she had done nasty drama which resulted in complaint by the petitioner's wife. She was also issued CSR. Further, in order to grab the properties from the petitioner and his wife, the victim's mother had done all sorts of illegal activities which also resulted in complaint, for which CSR was issued in C.S.R.No.1414 of 2020 dated 12.10.2020. Further, the victim's mother had also lodged complaint under Domestic Violence Act in D.V.C. No.15 of 2021 as against the petitioner and his wife. Thereafter, the torture was continued and as such, the petitioner has also previously lodged a complaint under Domestic Violence Act in DVC.No.11 of 2021 as against the victim's mother i.e., daughter-in-law. Further, the petitioner also lodged complaint on 29.05.2021 before the Inspector of Police, Mangadu Police station and he was issued C.S.R.No.863 of 2021.



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7. While being so, the first petitioner had executed settlement deed dated 08.07.2021 in favour of his daughter registered vide document No.5780 of 2021 in respect of the property situated in Gerugambakkam in which the victims's mother is squatting illegally. In order to wreck vengeance, the victim's mother has also lodged complaint under the Domestic Violence Act in D.V.C. No.15 of 2021 on the file of the Judicial Magistrate, Sriperumbudhu against her own husband, petitioner, his wife and his daughter. She also filed suit in O.S.No.25 of 2022 for injunction before the Civil Court. Therefore, on the instigation of the victim's mother, the victim lodged the present complaint with completely false allegations.

8. Learned counsel for the petitioner further submitted that it is nothing but a malafide prosecution. According to the victim, the last occurrence had taken place on 23.06.2022. Her mother came to know about the said occurrence on the same day at 11.00 p.m. However, it was not questioned on the very same day. It was questioned by next day i.e., 24.06.2022 for which she was assaulted by the petitioner. That apart, the petitioner filed complaint under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Tribunal and the same was ordered in favour of the petitioner. All these facts



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were completely suppressed and a false complaint as against the petitioner was foisted with unnatural allegations. There is a lot of contradiction between the complaint, 161 statements and the statement recorded under Section 164 of CrPC. Infact, in the complaint, no such averments made and it was later improved while giving statement under Section 161 of CrPC and as such, the entire proceedings cannot be sustained and liable to be quashed.

9. In support of his contention, he relied upon several judgments of the Hon'ble Supreme Court of India and this Court.

10. Per contra, the learned counsel for the second respondent would submit that the contradictions between the witnesses cannot be considered by this Court under Section 482 of CrPC. It is a matter for the trial before the trial Court. There are specific allegations as against the petitioner to attract the offences under Sections 294(b), 324, 354, 354(A) (2), 506(2) of IPC and under Sections 9(l) 9(n), 10, 11(1), 11(5), 12 of POCSO Act, 2012 and Section 4 of TNPHW Act, 1998. He also relied upon the statement recorded under Section 164 of Cr.P.C., in which, the victim categorically stated that the petitioner was groping victim's thighs with the intention of sexual assault.



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11. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court of India in Crl.A.No.255 of 2019 in the case of ***Satyajit Pandurang and others v. The State of Maharashtra and others.***

12. Learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the petitioner is the sole accused and there are specific averments and also materials to constitute the offences under Sections 294(b), 324, 354, 354(A) (2), 506(2) of IPC and under Sections 9(l) 9(n), 10, 11(1), 11(5), 12 of POCSO Act, 2012 and Section 4 of TNPHW Act, 1998. The grounds raised by the petitioner cannot be considered to quash the entire proceedings.

13. Heard and perused the materials available on record.

14. The petitioner is the grandfather of the victim. The victim lodged complaint alleging that the petitioner had groped her thighs, abused her and assaulted her mother. After registration of FIR, the petitioner was granted anticipatory bail on the ground that there is a dispute between the petitioner and the third respondent herein with regard to the property. Infact, the petitioner and his wife had already lodged several complaints which resulted in Crime No.850



of 2021 on the file of the Inspector of Police, Mangadu Police Station.

Therefore, the present complaint is nothing but a false complaint foisted against the petitioner and it is clear abuse of process of law.

15. Further, at the time of issuing notice, this Court granted interim stay of all further proceedings in Spl. S.C. No.175 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act at Chengalpattu, after examining the victim girl. This Court, by an order dated 21.02.2024, has observed as follows:-

“4. On 18.01.2024, this Court had an one-to-one interaction with the victim child. She reiterated what was told by her in the complaint. However, I found that the victim girl was repeating the complaint out of some influence/fear. Therefore, I decided to go through the materials and take a decision.

5. I had the advantage of going through the entire materials. There is some matrimonial dispute and as a result, the mother of the victim girl was repeatedly having wordy quarrels with the in-laws and particularly with the father-in-law. The statement recorded from LW-4 and LW-5 clearly shows that on 24.06.2022, there was a wordy quarrel as usual between the victim girl's mother and the petitioner. That ultimately led to some skirmish. This was the cause of action when the complaint was given to the police on 27.06.2022. However, while giving the



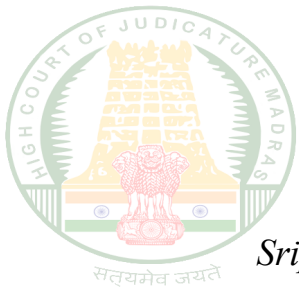
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complaint, yet another allegation was made as if the petitioner had groped the thighs of the victim girl.

6. The above allegation, on the face of it seems to be unbelievable since even the victim girl states that she is not even in talking terms with her grandparents for more than a year. She was staying with her mother in the first floor. Everytime, the arguments will revolve around the property dispute between the daughter-in-law and the father-in-law. Hence, the allegation made by the victim girl is very unnatural and it cannot be ruled out that LW-2 could have had an influence on the victim girl to make her come up with such a statement.

7. This Court also had the advantage of viewing the recording of what actually happened on 24.06.2022. There was a wordy quarrel between the petitioner and the daughter-in-law. When this was going on, the victim's mother has actually said that the grandparents are not even calling and talking with the granddaughter. This was made out to be one of the important issue during the arguments. If that is so, it is too artificial and unnatural that the petitioner will be involved in groping the thighs of the victim girl when has not even called and spoken with the victim girl for more than a year.

8. It is clear from the materials placed before this Court that there are various proceedings that are pending between the parties right from the year 2020 onwards. DVC No.15 of 2021, is pending before the Judicial Magistrate, Sriperumbudur. O.S.No.25 of 2022, is pending before the District Munsif Court,



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Sriperumbudur. There are two FIRs registered in Crime No.850 of 2021 by Mangadu Police Station, Crime No.511 of 2022, before the same Police Station and in both these FIRs, the mother of the victim girl viz., Sivaranjana is shown as an accused person. In none of these cases, there is any allegation to indicate that the petitioner is trying to abuse the victim girl”

In pursuant to the order granted by this Court, the entire trial has been stayed on the file of the trial Court.

16. When this matter is coming for final hearing, this Court ordered for appearance of the victim and the third respondent before this Court. In the chamber, this Court examined the victim and the third respondent. The victim deposed before this Court that there is a property dispute between the petitioner and the third respondent. They are depending upon the petitioner in all aspects, since her father is a mentally disordered person and right now, he is staying in their home under the care of the petitioner. Though she made allegation as against the petitioner in her statement recorded under Section 164 of CrPC, she did not even whisper before this Court about the said allegation as against the petitioner. Though this Court specifically asked her about misbehaviour by the petitioner, the victim kept mum and did not say anything about the allegations levelled against the petitioner to attract the offences under the POCSO Act.



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17. The third respondent also deposed before this Court that there is a suit pending in respect of the property which was already settled in favour of the petitioner's daughter. Further, the domestic violence complaint is also pending as against the third respondent as well the petitioner. Though, she had knowledge about the alleged incident, she did not questioned the same on the same day. It was questioned by her on the next day i.e., 24.06.2022. At that juncture, the petitioner attacked her. It seems that on 24.06.2022, there was wordy quarrel between them and due to which, the petitioner and his wife lodged complaint before the jurisdictional police, Inspector of Police, Mangadu Police Station, alleging continuous torture by the third respondent.



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18. That apart, the petitioner also lodged complaint on 24.06.2022 before the Inspector of Police, Mangadu Police Station which resulted in registration of FIR in Crime No.511 of 2022 as against the third respondent for the offences punishable under Sections 294b, 323 and 506(i) of IPC. The said FIR has been registered for the very same occurrence that took place on 24.06.2022. Therefore, the present proceedings which is impugned in this petition is nothing but after thought and only to extract property from the petitioner. Therefore, the present proceeding is nothing but a false complaint and clear abuse of process of law.

19. The very complaint itself does not whisper about the occurrence that took place on 23.06.2022. In the statement recorded under Section 161 CrPC dated 27.06.2022, the said alleged occurrence dated 23.06.2022 was mentioned. Subsequently, the victim's statement was recorded under Section 164 of CrPC. It is complete exaggeration that the petitioner was abusing her for the past three years and her grandmother also asked her to dance to the tune of the petitioner.



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20. Further, on perusal of records, there are circumstances for which the present false case has been foisted as against the petitioner. In this regard, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in ***Haji Iqbal @ Bala and State of Haryana*** reported in ***2023 SCC Online SC 946***. The relevant portion of the judgment is extracted hereunder: -

“15. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into



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the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

*The above proposition was reiterated by the Apex Court in a case between **Mohmood Ali and State of Uttar Pradesh** reported in **2023 SCC Online SC 950**.”*

The above judgment is squarely applicable to the case on hand.



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21. Further, the perusal of the birthday greetings sent by the victim to the petitioner on his 76th birthday, revealed the love and affection that the petitioner has for the victim. All along, the victim praised the love and affection of the petitioner and she has also given meaning of grandfather and grandmother. The birthday greeting was given only in the year 2022. When it is being so, the third respondent has insisted the victim to lodge the present false complaint as against her own grandfather. The petitioner and his wife were holding very respectable position in the society and have earned several properties. One of the property was settled in favour of their daughter has made the third respondent to lodge the present false complaint through the victim.

22. The present case is a classic case for misusing the POCSO Act that too as against aged grandfather. It is also evident that when the said occurrence was informed to the third respondent by the victim on 23.06.2022, the third respondent has questioned the same only on next day. It is quite clear that no prudent person will keep quite or sleep overnight after hearing such serious incident. Therefore, it is crystal clear that on the next day i.e., on 24.06.2022, there was a property dispute with regard to the property which was settled in favour of the petitioner's daughter for which, the third respondent instigated the victim to lodge a false complaint as against the petitioner, that



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too after the complaint lodged by the petitioner before the jurisdictional police i.e., Inspector of Police, Mangadu Police Station.

23. Even before that, the petitioner and his wife lodged several complaints and also lodged complaint under Domestic Violence Act in D.V.C.No.11 of 2021 as against the third respondent and it is pending on the file of the Judicial Magistrate, Sriperumbudur. Thereafter, the third respondent also lodged complaint under Domestic Violent Act in D.V.C.No.15 of 2021 and the same is also pending on the file of the Judicial Magistrate, Sriperumbudur.

24. That apart, the third respondent also filed a suit in O.S. No. 25 of 2022 to set aside the settlement deed executed by the petitioner in favour of her daughter along with injunction and it is also pending before the Civil Court. Infact, on the complaint lodged by the petitioner under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 in which the Tribunal has passed order dated 12.10.2022, thereby restrained the third respondent and her family members from disturbing the petitioner and his wife. Further, the Tribunal directed the Inspector of Police, Mangadu Police Station to provide adequate police protection, if needed. It was also confirmed by the appellate authority namely District Collector by an order dated 29.04.2023.



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25. None of the complaint lodged by the third respondent, whispers about the alleged occurrence which was allegedly has been taken place for the past several years. The third respondent is claiming herself as lawyer, actress and beautician etc. Therefore, she knows how to draft a complaint to cause more torture to the petitioner in order to settle the civil dispute in respect of the property.

26. In this regard, it is relevant to rely upon the judgment reported in ***State of Haryana and others Vs. Bhajan lal and others*** reported in **1992 Supp(1) SCC 335**.

"102.....

.....

7. *Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."*

27. Thus, it is clear that the entire proceedings in Spl. S.C. No. 175 of 2023 is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner.



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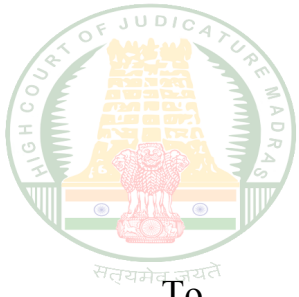
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28. It is reported that the case has been transferred to Principal District Judge, Kanchipuram and renumbered as Spl.S.C.No.48 of 2025.

29. Accordingly, Spl. S.C.No.175/2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act at Chengalpattu which has been renumbered as Spl.S.C.No.48 of 2025 on the file of the Principal District Judge, Kanchipuram is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

23.04.2025

Index:Yes/No
Neutral Citation:Yes/No
AT



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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Chengalpattu.
2. The Principal District Judge, Kanchipuram.
3. The Inspector of Police,
All Women Police Station,
SRMC Range, Chennai - 600 122.
4. The Public Prosecutor,
High Court, Madras.



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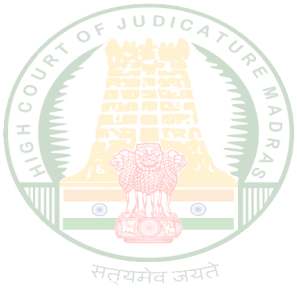
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G.K.ILANTHIRAIYAN. J,

AT

Crl. O.P. No. 632 of 2024 and
Crl.M.P.Nos.430, 432 of 2024 & 4731 of 2025

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and

Crl.M.P.Nos.430, 432 of 2024 & 4731 of 2025

G.K.ILANTHIRAIYAN, J.

Today the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner has brought to the notice of this Court that, in the order dated 23.04.2025 passed in Crl.O.P.No.632 of 2024, the appearance portion of the petitioner has been erroneously stated as “Mr.G.Arun Kumar” instead of “Mr.C.Arunkumar.”

3. Accepting the submissions of the learned counsel for the petitioner, the name mentioned in the appearance portion of the petitioner in the order dated 23.04.2025 shall stand corrected to read as “Mr.C.Arun Kumar”.

4. In all other aspects, the order dated 23.04.2025 passed in Crl.O.P.No.632 of 2024 shall remain unaltered.

G.K.ILANTHIRAIYAN, J.



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5. Registry is directed to carry out the necessary correction in the order dated 23.04.2025 in Crl.O.P.No.632 of 2024 and issue a fresh order copy.

11.06.2025

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