



Crl.O.P.No. 10064 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10064 of 2025 and
Crl.M.P.Nos.6686 and 6695 of 2025

1.Saradha

2.Anthony Siriya Pushpam

3.Shanmugathai

... Petitioners

Vs.

The State represented by
The Inspector of Police,
All Women Police Station, Perur,
Coimbatore.

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the chargesheet and the criminal proceedings with respect to accused A5 to A7 in the above Spl.C.C.No.288 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act.

For Petitioners : M/s.Kavitha Deenadayalan

For Respondent : Mr.R.Vinothraja,



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Government Advocate (crl.side).

ORDER

This petition has been filed seeking the quashing of the proceedings in Spl.C.C.No.288 of 2024 pending before the Special Court for the Exclusive Trial of Cases under the POCSO Act.

2. The case of the prosecution, as per the FIR, is that in April 2023, the victim, while present in the school auditorium, was approached by the first accused, who instructed the victim to come to his home along with the attendance register. Subsequently, the victim obtained the attendance register from the class teacher and proceeded to the first accused's residence. Upon reaching there, the first accused allegedly showed pornography videos to the victim and misbehaved with her. The victim reported this incident to the second accused, who, despite receiving the complaint, failed to take any action against the first accused. Following this, the accused persons, namely A3 to A7, are said to have threatened the victim, questioning why she had lodged the complaint and warning her of the consequences. On the basis of the complaint, the first



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respondent registered an FIR in Crime No. 32 of 2023 for offences punishable under Sections 9(f) and 21(2) of the Protection of Children from Sexual Offences, Section 506(1) of the IPC, Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Section 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, against the first accused. After completion of the investigation, a final report was filed, in which the petitioners were arrayed as A5 to A7. In respect of the petitioners, charges have been framed under Sections 21(2) of the POCSO Act, Section 506(1) of the IPC, and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The learned counsel for the petitioners would contend that, according to the victim's statement, the petitioners only advised her between 4.10 PM to 5.10 PM on 30.11.2023 not to proceed with the complaint against the first accused. The advice was purportedly given to save her from public embarrassment and to secure her future. It is further submitted that no offence under the SC/ST Act is made out as against the



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petitioners, as there is no material evidence to show that they exerted pressure or influence on the victim to withdraw the complaint. That apart, it is argued that the victim's community is questionable, as her school transfer certificate indicates that she belongs to the Anupava Gounder community, and not to a Scheduled Caste or Scheduled Tribe. Therefore, it is submitted that the provisions of the SC/ST Act do not apply to the petitioners. The learned counsel further submits that the petitioners were not named as accused at the time of the registration of the FIR and were only implicated after the charge sheet was filed. Thus, it is prayed that the entire proceedings be quashed.

4. The learned Government Advocate (Crl. Side) submits that the charges against the petitioners are supported by the victim's statement and the material evidence collected during the investigation. The allegations of threats and harassment under the POCSO Act and the SC/ST Act are serious and require trial. Therefore, the petition for quashing the proceedings should be dismissed.

5. Heard both sides and perused the materials placed before this



6. The petitioners are arrayed as Accused 5 to 7 in the charge sheet.

On perusal of the victim's statement recorded under Section 164 of the Cr.P.C., specific allegations are made out as against all the accused persons. The first accused is alleged to have misbehaved with the victim, and despite the victim lodging a complaint with the second accused, no action was taken against the first accused. That apart, the petitioners, along with the other accused, are alleged to have threatened the victim for lodging the complaint, warning her that she would face consequences. It is not reasonable to conclude that the actions of the petitioners, as described, were intended to merely save the victim from public embarrassment or to secure her future. The victim, being a minor, has suffered sexual harassment at the hands of the first accused, which justifies her lodging the complaint. Any contradictions in the victim's statement, including those regarding the community certificate, are matters that can only be addressed during the trial. These issues are not for determination at this stage of the proceedings.



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7. In view of the above, this Court finds no grounds to entertain the present petition. Accordingly, this Criminal Original Petition is dismissed. Further, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

04.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

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1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Coimbatore.

2. The Inspector of Police,
All Women Police Station, Perur,
Coimbatore.

3. Public Prosecutor,
Madras High Court.



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G.K.ILANTHIRAIYAN, J.

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