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CRL A No. 385 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 385 of 2025

1. Shankar
S/o.Thirumal, No.65, V.O.C.Street,
Shenpakkam, Vellore.

Appellant(s)

Vs

1. The State rep. by
The Inspector of Police, All Women
Police Station, Katpadi, Vellore. in
Cr.No.4/2022

Respondent(s)

PRAYER

Criminal Appeal filed under Section 415(2) BNNS Act, praying to call for the records and set aside the order of conviction and sentence dated 25.02.2025, passed by the Special Court for Exclusive Trial of Cases under POCSO Act, At Vellore in Special S.C.No.174 of 2022 and consequently allow the above Appeal and acquit the Appellant from the offences and pass such further or other order as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant(s): Mr.C.P.Sivamohan

For Respondent(s): Mr.V.Meganathan
Government Advocate (Crl.Side)



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JUDGEMENT

The petitioner has filed this appeal to set aside the order of conviction and sentence dated 25.02.2025, passed by the Special Court for Exclusive Trial of Cases under POCSO Act, At Vellore in Special S.C.No.174 of 2022 and consequently allow the above Appeal and acquit the Appellant from the offences.

2. Challenging the findings of the Trial Court, the appellant has preferred this appeal and raised the following grounds.

(i) P.W.1 (the victim's mother Sujatha) would state in the complaint that P.W.2 (the victim girl) had told her mother P.W.1, only in the month of June, 2022 when the appellant alleged to have committed offence and that earlier during March, 2022, the Appellant / Accused is said to have committed the offence and therefore it is very clear that the victim girl had not told anything of the first incident during March, 2022.

(ii) P.W.1 (Sujatha) would state in the course of cross-examination that she had seen the CCTV camera in her mother's house (Sujatha mother's house) and was said to have seen the appellant / accused coming and going into her mother's house and therefore P.W.1 had asked P.W.2 why the appellant / accused had been to her mother's house at Sankarapalayam and only thereafter the victim girl P.W.2 had told her mother about the incident that had taken place during



March, 2022 and later in June, 2022.

(iii) *P.W-1's further version is that she had told her husband only in June, 2022 regarding her daughter's (P.W.2) matter before she made enquiry in the counselling center. Thus, P.W.1 has given four different versions which are contradictory to one another.*

(iv) *The learned Judge failed to take note of the fact that P.W.1 Sujatha has admitted in the course of Cross-examination that she is not well versed in tamil and therefore only on the Police dictation to her, she had written the complaint and hence it is very clear that the complaint is a complete tailor made one by the Police and further the complaint does not bear any date.*

(v) *The learned Judge failed to take note of the fact that the victim girl (P.W.2) had given a different version that to her mother P.W.1 .. that she felt uncomfortable when appellant / accused had been to her grandfather's house at Sankarapalayam when she was there but P.W.1 would say two different versions.*

(vi) *The learned Judge failed to appreciate that there was inordinate delay in lodging the complaint. The alleged incident at the first instance had taken place of Sankarapalayam and only to bring the commission of crime within the jurisdiction of Vellore, the complaint was cooked up as if the alleged incident had taken place at Sankarapalayam, Vellore.*

(vii) *In any event, after the alleged incident at Sankarapalayam in the Month of Judge 2022, the complaint was lodged much belatedly i.e., on 17.08.2022 and hence the whole complaint and further proceedings stood vitiated not only*



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for delay but also for want of cause of action. Therefore, a suspicion arises in the minds of any prudent person whether any such incident taken place at Bangalore and assuming but not admitting that such commission of offence had taken place at Bangalore in March, 2022, the victim girl would have certainly informed the same to her parents at Bangalore itself and would not have allowed the recurrence of Commission of Offence at Sankarapalayam, Vellore in the month of June, 2022 i.e., after three months.

(viii) The learned Judge should not have considered the reasons and excuses for the delay in lodging the complaint and the reasons attributed for the delay in lodging the complaint are unbelievable and makes no sense in a case under the Provisions of POCSO Act. When P.W.1 Sujatha would say that she had seen the appellant coming to her mother's house at Sankarapalayam which she noticed in the CCTV camera and different versions later would have to be disbelieved and therefore the failure on the part of the prosecution in the non-production of footages in the CCTV camera would also disprove that the appellant never visited the victim girl's grandmother's house at Sankarapalayam.

(ix) P.W.9 would also further state in the course of cross-examination that no staff from department of Social Welfare accompanied P.W.1 Sujatha defact complainant to the Police station, P.W.-9, I.O Tmt.Sujatha would depose in the course of cross examination that only on instructions from the Inspector in-charge of the police station over phone she had registered the complaint. Admittedly, P.W.9 would further state in the



course of cross-examination that there is no date in the complaint.

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(x) There has been procedural latches in the registration of FIR as the Investigation Officer (IO) Tm.Sujatha deposed that she had registered the complaint just because she got oral instructions from Inspector in charge and would admit that no pre-enquiry was conducted before registration of FIR and therefore this would go to show that the complaint was registered for the sake of registration without proper enquiry before registration and that too in a serious offence under the provisions of the POCSO Act.

(xi) Strangely P.W.10 Tmt.Lakshmi, Inspector in Charge would state that only after registration of FIR the same was placed before her and that she had no knowledge prior to that but would not be out of place to mention at this juncture that she had prior knowledge of the complaint and that it is she who had directed PW-9 Tmt. Sujatha, IO.

(xii) P.W.10 Tmt.Lakshmi, Inspector in charge though would state that she had knowledge about the complaint being registered only on the same being placed before her for registration, she takes a different stand that when she was in the office of the Superintendent of Police, Vellore District, the Superintendent of Police had told her that a complaint was received in the police station and therefore, she (PW-10) was directed to look into the matter and investigate.

(xiii) The Judgement of the trial Court is against law, weight of evidence and opposed to all probabilities of the case.”



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3. When the matter was taken up, the learned counsel for the petitioner submitted that the mother of the petitioner and the mother of the victim are close relatives, being cousin sisters. Due to the filing of the complaint, both families, who were earlier living jointly with their elders in their native place, have been mentally affected. Therefore, there is a possibility of settling the issue amicably.

4. Accordingly, the appellant and his parents, as well as the victim and her parents, appeared before this Court. As on date, the victim girl has completed her school education and is pursuing her second year of law degree in a private college at Chennai, staying in a hostel, accompanied by her parents. The appellant and his aged parents also appeared before this Court.

5. Apart from the merits of the case, the mother of the victim expressed before this Court that due to the complaint and the pending proceedings, the elder members of both families have been suffering mentally and are deeply worried about the criminal case. Therefore, considering the welfare of the entire family, she stated that they are not inclined to proceed with the matter. However, the father of the victim girl submitted that he stands by his daughter and leaves the



decision to her.

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6. On the side of the appellant, he also realized his mistake and, along with his parents, appeared before the Court and tendered an unconditional apology to the victim and her parents with bowed hands. The parents of the appellant, who are senior citizens, also sought forgiveness and expressed their willingness to settle the issue amicably, considering the welfare of both families.

7. The Court, however, left the choice to the victim girl, who is now a second-year law student, to independently think over the matter. Upon consideration, she submitted before the Court that she is not inclined to proceed further and, taking into account the welfare of both families, expressed that she does not wish to continue with the proceedings.

8. The appellant, in turn, assured the Court that he would not cause any sort of interference in the affairs of the victim or her family in the future.

9. The mother of the victim also submitted before the Court that, considering the welfare of the elder family members, they are not inclined to proceed further and that they have accepted the apology tendered by the appellant. When the victim and her family have decided not to continue with the



matter and wish to bring an end to the penal proceedings in order to settle the issue amicably, there remains no necessity to proceed further.

10. Considering the welfare of both parties and the submissions made by the appellant, the victim, and their parents, this Court is inclined to quash the FIR registered in Crime No.4 of 2022 as well as Spl.S.C. No. 174 of 2022. Accordingly, the appellant is acquitted from the charges.

11. In view of the above, this Criminal Appeal is disposed of.

30-10-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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- To
- 1.The State rep. by
The Inspector of Police, All Women
Police Station, Katpadi, Vellore.
Crime No.4/2022.
 - 2.The Special Court for Exclusive Trial
of Cases under POCSO Act, Vellore.
 - 3.The Public Prosecutor,
High Court of Madras, Chennai.



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