



Crl.A.No.783 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 03.07.2025

CORAM

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

Crl.A.No.783 of 2025
and Crl.M.P.No.13048 of 2025

Palani
S/o. Elumalai
No.23, Main Road, Kasthuri Bai Nagar,
Thiruverkadu, Ayappakkam,
Tiruvallur – 600 077

..... Appellant / Accused

Vs

The Inspector of Police,
W-4, All Women Police Station,
Kilpauk,
Chennai – 23.
(Crime No.04 of 2020)

.... Respondent/Complainant

Prayer: Criminal Appeal filed under Section 415(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the judgment passed by the Hon'ble Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Spl.S.C.No.83 of 2020 dated 28.03.2025.

For Appellant : Mr.S.Krishna Prasad

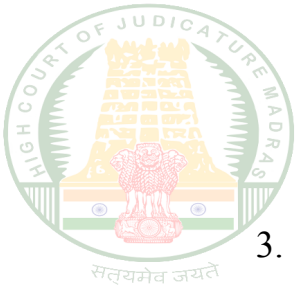
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

**JUDGMENT**

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This Criminal Appeal has been preferred as against the judgment passed in Spl.Sc.No.83/2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

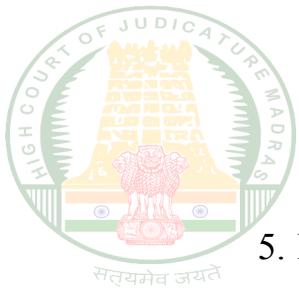
2. The case of the prosecution is that the appellant is the biological father of the victim girl. The appellant got separated from his wife and she had also filed a divorce petition before the Family Court and it is pending. While being so, on 24.01.2020 the wife of the appellant went to domestic work and when the victim girl was getting ready to her school, the appellant went inside the house and fell on the victim girl with an intention to cause sexual assault and also with an intention to outrage her modesty, he pinched her breast. It was informed to her mother and a complaint in this regard was lodged. On receipt of the said complaint the respondent registered FIR in Cr.No.4/2020 for the offences punishable under Section 354A, 509 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012. After completion of investigation, final report was filed and the same was taken cognizance by the trial Court.



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3. On the side of the prosecution P.W.1 to P.W.6 were examined and Exs.P1 to P8 were marked. On the side of the appellant no one was examined and no documents were marked. On perusal of the oral and documentary evidence, the trial Court found the appellant guilty for the offences punishable under Section 10 of the POCSO Act @ 354 IPC and sentenced him to undergo one year simple imprisonment with a fine of Rs.2,000/-, in default to undergo simple imprisonment for two weeks. Aggrieved by the same, the present Criminal Appeal has been preferred.

4. Mr.S.Krishna Prasad, the learned counsel for the appellant, would submit that the petitioner is the biological father of the victim girl. Already there is a family dispute between the appellant and his wife and due to which a false complaint has been foisted against the appellant. Even according to the case of the prosecution the petitioner entered into his wife's house to have food. When he entered into the kitchen, he was obstructed by the victim girl due to which he fell on her. Thus, a false complaint has been foisted against the appellant.



5. Mr.S.Raja Kumar, the learned Additional Public Prosecutor appearing for the respondent Police, submitted that the appellant was initially charged for the offence under Section 10 of the POCSO Act but the trial Court convicted the appellant under Section 354 IPC. The victim girl was examined as P.W.2 and she categorically disclosed that the appellant went into the house and fell on her with sexual intention and he also pinched her breast. It was informed to her mother and her mother was examined as P.W.1. P.W.1 also categorically deposed and corroborated the evidence of P.W.2. Therefore, the judgment of the trial Court does not warrant any interference and the appeal deserves to be dismissed.

6. Heard both sides and perused the materials available on record.

7. The case of the prosecution is that on 24.01.2020 when the victim girl was getting ready to her school, the appellant went into the house, fell on the victim girl and also pinched her breast. Admittedly, there was a family dispute between the appellant and his wife and due to which divorce proceeding is pending. Therefore, the wife and children are separated from the appellant and they are living separately. While being so, the appellant went to the house of



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his wife for having food. At that time he was obstructed by the victim girl.

When the appellant attempted to enter the kitchen to have food despite obstruction, he fell on the victim girl.

8. On the instigation of P.W.2, a complaint has been foisted as against the appellant as if he went to his wife's house to commit sexual assault on the victim girl. Further the petitioner is the biological father of the victim who is studying "+2". The appellant absolutely had no intention to commit any sexual assault on the victim girl as alleged by the prosecution. Only in order to have food he went to the house of P.W.1 and he was prevented by the victim girl as per the instruction of her mother. Only due to the obstruction, the appellant fell on the victim girl. Further there are no other circumstances to convict the appellant for the offence under Section 10 of the POCSO Act @ 354 IPC Therefore the entire conviction itself cannot be sustained and the same is liable to be set aside.

9. Accordingly, this Criminal Appeal is allowed and the conviction and sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Spl.S.C.No.83 of 2020 dated



28.03.2025, for the offence under Section 10 of the POCSO Act @ 354 IPC is

hereby set aside. The appellant / accused is acquitted of all charges in Spl.S.C.No.83 of 2020 on the file of the learned learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. Fine amount, if any paid, shall be refunded to the appellant forthwith. Bail bonds, if any executed, shall stand cancelled.

03.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Interned : Yes
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- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai
- 2.The Inspector of Police,
W-4, All Women Police Station,
Kilpauk,
Chennai – 23.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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