



Crl.R.C.No.739 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

Crl.R.C.No.739 of 2025

and

Crl.M.P.No.10918 of 2025

Joshua

.... Petitioner

Vs

1. State

Rep by The Inspector of Police,

W7-AWPS- Anna Nagar,

Chennai.

Cr.No.37/2024.

2. K.Saratha

.... Respondents

PRAYER: Criminal Revision Case is filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the charges framed U/s.87 BNS and Section 12 of the POCSO Act, 2012 by the Special Court for the Exclusive Trial of POCSO Act Cases, in Spl.SC No.334/2024.

For Petitioner

: Mr.G.R.Hari

For R1

: Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed challenging the framing of charges against the petitioner for the offence punishable under Section 5(c) r/w 6 of the POCSO Act, 2012.

2. The case of the prosecution is that the petitioner, aged about 54



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years and employed as a Conductor in Metropolitan Transport Corporation, Chennai, allegedly committed penetrative sexual assault on the victim, who was aged about 17 years, at the time of occurrence. Hence, the charge.

3. The learned counsel appearing for the petitioner submitted that at the time of alleged occurrence, the victim girl is aged about 18 years. That apart, the physical relationship between the petitioner and the victim was consensual and the victim had also filed an affidavit expressing her intention not to proceed further with the case against the petitioner. He also relied upon the Adhaar Card of the victim girl, which indicates her date of birth as 12.08.2006. Even according to the victim, they had physical relationship. On the date occurrence, the victim had attained the age of majority and therefore, no offence is made out under the POCSO Act. However, the Trial Court, without considering these aspects, mechanically proceeded to frame charges against the petitioner for the offence punishable under Section 5(c) r/w 6 of the POCSO Act, 2012.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Perused the materials available on record.

5. A perusal of the records including the confession statement of



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the petitioner reveals that the petitioner was well acquainted with the victim from the month of July, 2023. Thereafter, the petitioner had committed penetrative sexual assault on the victim. At that juncture, she was a minor and as such, the charge under Section 5(c) r/w 6 of the POCSO Act, 2012, clearly attracted against the petitioner. Further, the fact that the victim girl does not want to proceed against the petitioner is not a ground to interfere at this stage, and the matter is for trial. Therefore, the Trial Court rightly framed charges against the petitioner on perusal of the material evidence for the offence under Section 5(c) r/w 6 of the POCSO Act, 2012..

6. In view of the above, this Court finds no infirmity or illegality in the charges framed by the Trial Court against the petitioner for the offence punishable under Section 5(c) r/w 6 of the POCSO Act, 2012.

7. Accordingly, this Criminal Revision Case stands dismissed.

13.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.



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To

1. The Special Court for the Exclusive Trial of POCSO Act Cases,
Chennai.
2. The Inspector of Police,
W7-AWPS- Anna Nagar,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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