



Crl.O.P.No.4081 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM:

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

Crl.O.P.No.4081 of 2025
and Crl.M.P.No.2603 of 2025

Rajalingam

... Petitioner

Vs.

1. The State Rep by
The Inspector of Police,
All Women Police Station,
Cuddalore.

2. Majo

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to Special Session Case No.100 of 2024 pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore and quash the same.

For Petitioner	: Mr.S.Indrajith
For Respondents	
For R1	: Mr.A.Gopinath
	Government Advocate (Crl. Side)



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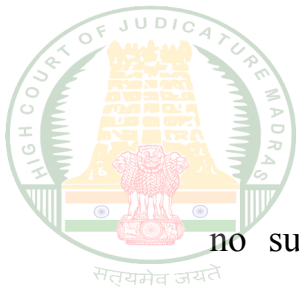
ORDER

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This petition has been filed to quash the proceedings in Special Session Case No.100 of 2024 pending on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.

2. The second respondent is the own daughter of the petitioner herein. On her complaint, the first respondent registered a FIR in Crime No.20 of 2024 for the offences punishable under Sections 354A, 342, 506(1) of IPC and Sections 5(l), 5(n), 5(c) & 6 of Protection of Children from Sexual Offences Act, 2012 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The allegations are that the petitioner used to come to the house under intoxication condition and used to quarrel with his wife. During night, he sexually abused the second respondent. After completion of investigation, the first respondent filed final report and the same has been taken cognizance in Spl.S.C.No.100 of 2024.

3. The learned counsel appearing for the petitioner would submit that nothing was happened as alleged by the prosecution. In fact,



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no such complaint was lodged by the second respondent. Now the petitioner and his wife and the second respondent are living happily. It is true that the petitioner used to come home under intoxication condition and quarreled with his wife. When the petitioner's wife approached the first respondent for proper action as against her husband, the first respondent foisted the false case as against the petitioner with unimaginary allegations. In fact, the second respondent categorically deposed before the learned Magistrate under Section 164 of Cr.P.C., and nothing stated about the alleged occurrence. There was no such occurrence and the petitioner is a lovable father of the second respondent.

4. This Court directed the second respondent to appear before this Court. The second respondent and her mother had appeared before this Court on 20.02.2025. The second respondent deposed before this Court that the petitioner is a lovable father and all the family members are living together. No such occurrence had taken place as alleged in the complaint by the petitioner. There was a quarrel between the petitioner and his wife. Therefore, the second respondent's mother approached the first respondent and unfortunately foisted false case as against the petitioner. All the allegations levelled as against the petitioner are false



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and no such occurrence had taken place. Further, the petitioner is the only

bread winner and he is leading his family with full care.

5. The mother of the second respondent also present and she deposed the same thing. No such occurrence had happened but unfortunately, the first respondent filed final report with imaginary allegations.

6. On perusal of the statement recorded under Section 164 of Cr.P.C., also revealed that there was a quarrel between the petitioner and his wife and no such occurrence happened ever. Therefore, the first respondent being the Inspector of Police should not do this kind of act when the petitioner's wife approached the first respondent to take action against her husband for frequent quarrel with her. It is sorry state of affairs that the first respondent involved this kind of activities by foisting false case as against the petitioner that too with very serious allegations against her own daughter.



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7. The first respondent is also appeared before this Court and filed status report. On perusal of the status report revealed that only on the request made by the petitioner's wife, the first respondent registered the complaint and filed final report. In fact, the petitioner's wife threatened the first respondent by carrying kerosene that if not registered any case as against the petitioner, she would commit suicide. This Court warned the first respondent and the first respondent shall not do this kind of illegality in future.

8. In view of the above facts and circumstances, no charge is made out as against the petitioner and there is absolutely no material to attract the offences. Further, no one had spoken about the overt-act as alleged by the prosecution. Therefore, the impugned proceeding cannot be sustained and liable to be quashed. Accordingly, the proceedings in Special Session Case No.100 of 2024 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, is hereby quashed.



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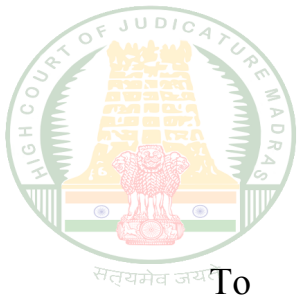
WEB COPY 9. In result, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

24.02.2025

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

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To
WEB COPY

1. The Sessions Judge,
Special Court for Exclusive Trial
of Cases under POCSO Act,
Cuddalore

2. The Inspector of Police,
All Women Police Station,
Cuddalore.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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