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CrI.O.P.No.25318 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.25318 of 2025

Prasanna Bharathi

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
K-10 All Women Police Station,
Koyambedu,
Chennai - 600 107. (Crime No.5 of 2025)

2. K.Saravanan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C/Section 528 of BNSS, to call for the records pertaining to the charge sheet for the offences under Sections 7 r/w 8 of POCSO Act, 11(iv) r/w 12 of POCSO Act and 376, 323, 506(ii) of IPC in Spl.S.C.No.130 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and quash the same.

For Petitioner : Mr.J.Nagarajan

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

For R2 : Mr.V.Jayachandran



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ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C.No.130 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

2. Heard both sides and perused the materials available on record.
3. Based on the complaint given by the de facto complainant/R2, a case in Crime No.5 of 2025 was registered for the offences under Sections Sections 7 r/w 8 11(iv) r/w 12 of POCSO Act and 376, 323, 506(ii) of IPC.
4. Learned counsel appearing on either side submitted that the petitioner has amicably settled the dispute with the de facto complainant/second respondent and that the marriage between the petitioner and the victim girl is to be solemnized by their parents after the victim return from abroad.
5. The de-facto complainant/R2 has also appeared before this Court today and has been identified by his counsel. According to the de



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facto complainant, he has lodged a complaint alleging that his daughter was subjected to sexual harassment by the petitioner when she was 15 years old, based on which the present case was registered. However, it is now his contention that he was not aware of the relationship between the petitioner and his daughter. He further submitted that the matter has been amicably settled and the marriage between the petitioner and his daughter is to be solemnized after her return from abroad, where she has gone for higher studies. He also submitted that he is not willing to pursue the criminal proceedings against the petitioner and has no objection in quashing the same. Further, an Affidavit to that effect has been filed by him.

6. The statements recorded by the learned Magistrate from the victim girl under Section 183 of BNSS clearly indicates that the victim had stated that she has developed a relationship with the petitioner only after she joined college and that her father did not approve the same. Therefore, the complaint came to be filed. She has never stated that she was subjected to any sexual harassment or assaulted at any point of time. The entire statement makes it clear that she developed a relationship with the petitioner only after she attained majority. Therefore, the very filing of the final report by the Investigating Officer itself is an abuse of process of law.



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7. In view of the above, this Court is of the considered opinion that the filing of such final report for grave charges attracting punishment of more than twenty years is nothing but clearly an abuse of process of law. It also reflects that the Investigating Officers dealing with such serious cases are filing final report mechanically, thereby subjecting innocent citizens to unnecessary harassment. The higher officials are therefore expected to properly sensitize such officers regarding the manner in which the investigation in cases of this nature are to be conducted. Such mechanical filing of final reports, leading to malicious prosecution and may also invite severe consequences in the form of compensation. However, this Court restrains from passing any such direction at this stage.

8. Considering the nature of the final report filed, the submissions made by the de facto complainant and the statement recorded on oath from the victim girl under Section 183 BNSS, this Court is inclined to quash the proceedings pending against the petitioner, in exercise of its jurisdiction under Section 482 of Cr.P.C./Section 528 of BNSS, as this Court finds no merits in the final report.



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WEB COPY 9. Accordingly, this Criminal Original Petition stands allowed.

The case in Spl.S.C.No.130 of 2025 pending against the petitioner on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

15.10.2025

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Neutral Citation:Yes/No

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai.
2. The Inspector of Police,
K-10 All Women Police Station,
Koyambedu,
Chennai - 600 107.
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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