



W.P.(Crl.) No.820 of 2025 and Crl.O.P.No.25431 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P.(Crl.) No.820 of 2025 and
Crl.O.P.No.25431 of 2025 and
Crl.M.P.Nos.17202 and 17205 of 2025

In W.P.(Crl.) No.820 of 2025

Elizabeth Rani

... Petitioner

Vs.

1. The Superintendent of Police
Cuddalore District

2. The Deputy Superintendent of Police
Sethiyathoppu, Cuddalore District

3. The Inspector of Police
Srimushnam Police Station, Cuddalore District

4. The Superintendent of Police
Ariyalur District

5. The Deputy Superintendent of Police
Jayankondam, Ariyalur District

6. The Inspector of Police
Andimadam Police Station, Ariyalur District

7. The District Child Welfare Protection Officer
Cuddalore District

... Respondents

PRAYER : Writ Petition filed under Section 226 of the Constitution of



W.P.(CrI.) No.820 of 2025 and CrI.O.P.No.25431 of 2025

India to issue a Writ of Mandamus directing the 1st respondent to transfer the investigation pertaining to FIR No.182 of 2024 on the file of the 3rd respondent to CBCID lead by Woman Deputy Superintendent of Police for fair investigation and also issue a direction to take action against the 3rd respondent for failure to record the statement of the petitioner's minor daughter under the POCSO Act.

In CrI.O.P.No.25431 of 2025

1. Manojkumar

2. Elizabeth Rani

3. (Redacted)

... Petitioners

Vs.

1. The Inspector of Police
Srimushnam Police Station,
Cuddalore District

2. Iruthayasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in C.C.No.501 of 2025 on the file of the Judicial Magistrate Court-II at Virudhachalam and quash the final report.

For Petitioner(s) in both petitions : Mr.M.Muthukrishnan

For R1 to R7 in WP(CrI.)No.820/2025 &
1st Respondent in CrI.OP.No.25431/2025 : Mr.R.Vinothraja
Govt. Advocate (CrI. Side)



W.P.(CrI.) No.820 of 2025 and CrI.O.P.No.25431 of 2025

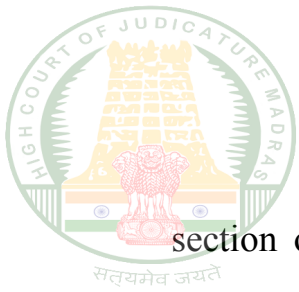
COMMON ORDER

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The Writ Petition in W.P.No.820 of 2025 has been filed by the mother of the victim girl, to direct the 1st respondent to transfer the investigation pertaining to FIR No.182 of 2024 on the file of the 3rd respondent police, registered against one Irudhayasamy and others for the offences under Sections 296(b), 118(1), 351(3) of BNS and Section 4 of TN Prohibition of Harassment of Women Act, to CBCID lead by Woman Deputy Superintendent of Police, for fair investigation and also for a direction to take action against the 3rd respondent/Police for failure to record the statement of the petitioner's minor daughter under the POCSO Act.

2. The Criminal Original Petition in CrI.O.P.No.25431 of 2025 has been filed by the petitioner in W.P.No.820 of 2025 and her daughter and son, to quash the final report in C.C.No.501 of 2025 on the file of the Judicial Magistrate Court-II, Virudhachalam, filed against them for the offences under Sections 296(b), 118(1), 351(3) of BNS and Section 4 of TN Prohibition of Harassment of Women Act 2002 in the counter case in Crime No.183 of 2024 based on the complaint lodged by the said Irudhayasamy.

3. In the Writ Petition, it is the contention of the petitioner that the police has failed to register the case against the accused with the relevant



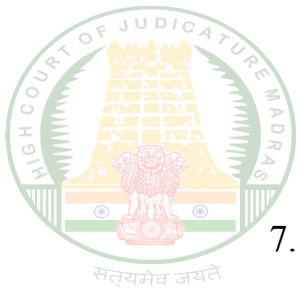
W.P.(Crl.) No.820 of 2025 and Crl.O.P.No.25431 of 2025

section of offences under the POCSO Act since her daughter/victim girl who was subjected to harassment was a minor at the time of alleged occurrence.

4. The learned Government Advocate (Crl. Side) on instructions submitted that it is a case and counter case. The defacto complainant and the accused are neighbours and there was some dispute between them and based on the complaints of both sides, FIRs were registered and after completion of investigation, final reports have been filed against both the groups.

5. I have gone through the petitions and the nature of complaint given by the victim girl. It is seen that it is purely a dispute between an adolescent boy and girl. Now the mother of the victim girl wants to invoke the offence under the POCSO Act and seeks transfer of the case alleging that her daughter was a minor aged about 17 years at the time of alleged occurrence.

6. This Court is of the view that it is not a fit case for transfer. It is for the concerned Court to frame necessary charges based on the available records. If at all the Court is of the view that the charge under the POCSO Act is made out, it is for the Court concerned to take a call and to commit the case to the concerned Sessions Court and this Court finds no merits in this Writ Petition.



W.P.(Crl.) No.820 of 2025 and Crl.O.P.No.25431 of 2025

7. As far as quashing of the counter case in C.C.No.501 of 2025 on the file of the Judicial Magistrate No.II, Virudhachalam is concerned, the investigation has already been completed and the final report has been filed based on materials collected by the prosecution. Though it is stated that A3 was a minor at the time of alleged occurrence and therefore, she cannot be charged with the other accused, it is for the petitioner to establish the same before the trial Court during trial. This Court does not find any merits in this petition also.

8. Accordingly, both the Writ Petition and the Criminal Original Petition are dismissed. The connected Miscellaneous Petitions are also closed.

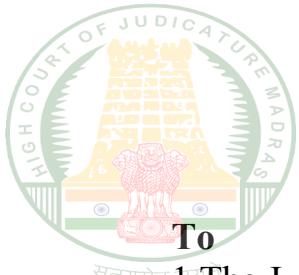
17.09.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



W.P.(CrI.) No.820 of 2025 and CrI.O.P.No.25431 of 2025

To

1.The Judicial Magistrate No.II
Virudhachalam

2. The Superintendent of Police
Cuddalore District

3. The Deputy Superintendent of Police
Sethiyathoppu, Cuddalore District

4. The Inspector of Police
Srimushnam Police Station, Cuddalore District

5. The Superintendent of Police
Ariyalur District

6. The Deputy Superintendent of Police
Jayankondam, Ariyalur District

7. The Inspector of Police
Andimadam Police Station, Ariyalur District

8. The District Child Welfare Protection Officer
Cuddalore District

9. The Public Prosecutor
High Court of Madras, Chennai



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W.P.(Crl.) No.820 of 2025 and Crl.O.P.No.25431 of 2025

N. SATHISH KUMAR, J.

ksa-2

W.P.(Crl.) No.820 of 2025 and
Crl.O.P.No.25431 of 2025

17.09.2025