



CrI.OP(MD)Nos.10469, 11036, 11763, 12032 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrI.OP(MD)Nos.10469, 11036, 11763, 12032 of 2025
and

CrI.MP(MD)Nos.7867, 7868, 8277, 8278, 8954, 8955, 9246, 9247 of 2025

CrI.OP(MD).10469 of 2025:

Syed Ahamed

: Petitioner

Vs.

1.State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District.
Cr.No.30 of 2024

2.Ramalakshmi

3.XXX

: Respondents

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] to call for the records relating to the case in Spl.SC.No.75 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi and quash the same.



Crl.OP(MD)Nos.10469, 11036, 11763, 12032 of 2025

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For Petitioner : Mr.R.Anand

For Respondents: Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)

Crl.OP(MD).11036 of 2025:

Syed Ahamed

: Petitioner

Vs.

1.State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District.
Cr.No.30 of 2024

2.XXX

: Respondents

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] to call for the records relating to the case in Spl.SC.No.76 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi and quash the same.

For Petitioner : Mr.R.Anand

For Respondents: Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



Crl.OP(MD)Nos.10469, 11036, 11763, 12032 of 2025

Crl.OP(MD).11763 of 2025:

Charles Sweetly

: Petitioner

Vs.

1.State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District.
Cr.No.30 of 2024

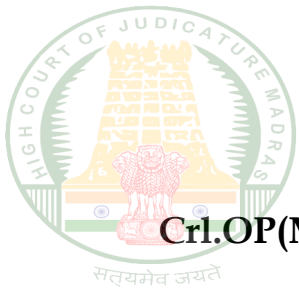
2.Ramalakshmi

: Respondents

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] to call for the records relating to the case in Spl.SC.No.75 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi and quash the same.

For Petitioner : Mr.T.Lenin Kumar

For Respondents: Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



Crl.OP(MD)Nos.10469, 11036, 11763, 12032 of 2025

Crl.OP(MD).12032 of 2025:

Charles Sweetly

: Petitioner

Vs.

1.State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District.
Cr.No.30 of 2024

2.XXX

: Respondents

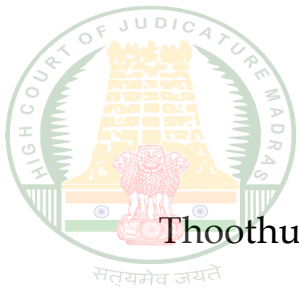
PRAYER: Petition filed under Section 528 BNSS [482 CrPC] to call for the records relating to the case in Spl.SC.No.76 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi and quash the same.

For Petitioner : Mr.T.Lenin Kumar

For Respondents: Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners/A2 and A3 in Spl. S.C.Nos.75 & 76 of 2025 on the file of the learned Special Court for exclusive trial of cases under the POCSO Act,



Thoothukudi, seeking to quash the final reports in Crime Nos. 30 & 31 of 2024.

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2.The brief facts are that the 1st accused, a Physical Education Teacher of Salma Matriculation Hr. Sec. School, Thoothukudi, is alleged to have sexually assaulted two minor girl students on 07.01.2024, 21.01.2024 and misbehaved with them during an inter-school competition on 22.10.2024. The petitioners are respectively the Principal (A2) and the Secretary (A3) of the school.

3.The prosecution case is that the victims disclosed the incident to one Teacher, Sivasakthi. On 04.11.2024, the petitioners enquired with the victims and other students regarding the allegations and instead of reporting the same to the authorities, advised the victims not to disclose the incident to their parents, promising that action would be taken against the Physical Education Teacher. The victims, thereafter, disclosed the incidents to their parents on 08.11.2024 and 11.11.2024 and FIRs were registered.

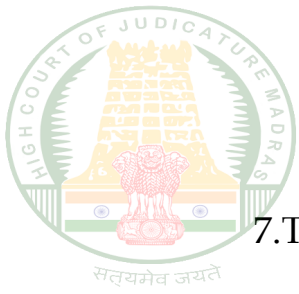


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4.The charges against the petitioners are under Sections 19(1) and 21(2) of the POCSO Act, 2012 for failure to report commission of offence by a subordinate.

5.Learned counsel for the petitioners contended that there was no deliberate intention to conceal; that there is no statutory time limit for reporting; that the petitioners intended to take action; that the intervening period was consumed in sports competitions and holidays; that in the case of A3, he was abroad when the January incidents took place; and that the prosecution has, impermissibly, split one transaction into two FIRs.

6.Per contra, the learned Government Advocate submitted that the petitioners, being the head of the institution, were duty bound to report immediately on becoming aware of the offences, and that their deliberate silence and advice to the victims not to inform their parents clearly attracted Section 21(2) of the Act.



7.This Court considered the rival submissions made on either side and perused the materials placed on record.

8.The charge against the petitioners, A2 Principal and A3 Secretary, is failure to report the commission of offences under the POCSO Act by their subordinate, A1 / Physical Education Teacher. This Court is unable to countenance the submissions of the petitioners' Counsel for more than one reasons. The POCSO Act casts a strict, mandatory duty upon every person, particularly heads of institutions, to report commission of offences against children. Section 19(1) makes it obligatory to furnish such information to the Special Juvenile Police Unit or local police. Section 21(2) provides punishment for persons in charge of institutions who fail to report offences committed by subordinates.

Section 19(1) reads as under:-

“19. Reporting of offences. –

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has



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apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to, –

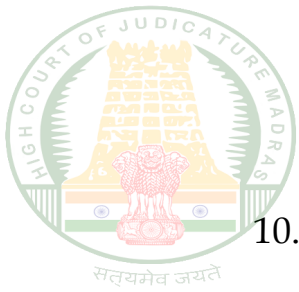
- (a) the Special Juvenile Police Unit; or*
- (b) the local police.”*

Section 21(2) reads as under:-

“21. Punishment for failure to report or record a case. –

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.”

9.The object of the statute is clear – to ensure immediate reporting so that timely investigation may be conducted and further abuse prevented. Delay in reporting directly jeopardises both the welfare of the child and the integrity of the investigation.



10. In *State of Maharashtra v. Dr. Maroti* (Crl.A.No.1874 of 2022, dated 02.11.2022), the Hon'ble Supreme Court stressed that "prompt and proper reporting of commission of offence under the POCSO Act is of utmost importance" and failure would defeat the very purpose of the Act.

The relevant portion is extracted as under:-

"15. Prompt and proper reporting of the commission of offence under the POCSO Act is of utmost importance and we have no hesitation to state that its failure on coming to know about the commission of any offence thereunder would defeat the very purpose and object of the Act. We say so taking into account the various provisions thereunder. ..."

11. Similarly, in *Shankar Kisanrao Khade v. State of Maharashtra* [(2013) 5 SCC 546], the Hon'ble Supreme Court held that non-reporting by institutional heads amounts to screening offenders and is itself a crime. The relevant portion is extracted as under:-

"77. In my opinion, the case in hand calls for issuing the following directions to various stakeholders for due compliance:

77.1. The persons in charge of the schools/educational institutions, special homes, children homes, shelter homes, hostels, remand homes,



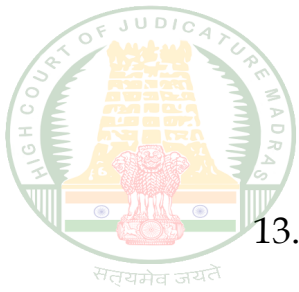
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jails, etc. or wherever children are housed, if they come across instances of sexual abuse or assault on a minor child which they believe to have been committed or come to know that they are being sexually molested or assaulted are directed to report those facts keeping upmost secrecy to the nearest Special Juvenile Police Unit (SJPU) or local police, and they, depending upon the gravity of the complaint and its genuineness, take appropriate follow-up action casting no stigma to the child or to the family members.

... .. 77.6. The non-reporting of the crime by anybody, after having come to know that a minor child below the age of 18 years was subjected to any sexual assault, is a serious crime and by not reporting they are screening the offenders from legal punishment and hence be held liable under the ordinary criminal law and prompt action be taken against them, in accordance with law.”

12.The Kerala High Court in **XXXX v. State of Kerala [2024 KER 53255]** held that omission even beyond 24 hours to report the matter would attract culpability, in the following terms:-

“13. In my view, if there is omission even after getting information to report the same to the Police after 24 hours atleast, the offence punishable under section 19(1) of the POCSO Act would get attracted. ... ”



13. Again in *Dr. P. Ditto Tom v. State of Kerala* [2025 KER 15952], it

was reiterated by the Kerala High Court that delay in reporting by persons in responsible positions undermines investigation and constitutes an offence. The relevant observation is extracted as under:-

"14. ... In the instant case, the revision petitioner, who got knowledge regarding the crime on 25.11.2020, failed to inform the same and accordingly registration of crime was delayed for a period of three weeks. That must have attenuated timely investigation of the case without elements of lacuna. In the instant case, the prosecution materials would show that the offence alleged against the revision petitioner is made out, prima facie, from prosecution records, warranting trial. ..."

14. In the case on hand, the materials disclose that on 04.11.2024, both A2 and A3 had knowledge of the incidents. The victims themselves have categorically stated that they were advised by the petitioners not to inform their parents and were assured that action would be taken internally. The statement of the Teacher, Sivasakthi, corroborates this version. Such conduct cannot be construed as inadvertence or ignorance; it amounts to a conscious decision to withhold information from lawful authorities.



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15.The argument that there is no statutory time frame is fallacious.

Though the Act does not fix hours or days, the obligation is to report *forthwith*. “Reasonable time” in the context of offences against children cannot stretch to a week, particularly when the intervening days included disclosure to staff and parents.

16.The petitioners, as Principal and Secretary, were custodians of trust, responsible for the welfare and safety of their students. They owed a higher duty of care and vigilance. Instead, they placed the burden of silence on the shoulders of minor victims, thereby exacerbating trauma and delaying lawful intervention.

17.The defence that A3 was in abroad when the January incidents occurred is irrelevant, since his culpability arises from his conduct on 04.11.2024. The contention regarding multiple FIRs also cannot avail the petitioners as the law permits separate cases where distinct victims are involved.



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WEB COPY 18.Having regard to the statements recorded under Section 180(3)

BNSS and Section 161(3) CrPC, there is more than sufficient material to prima facie sustain the charges under Sections 19 and 21(2) POCSO Act.

Whether the petitioners are guilty is a matter of trial. At the threshold, there is no basis for quash.

19.In view of the above, this Court finds no merit in these petitions. Accordingly, all these petitions are dismissed. The trial Court shall proceed with the trial in Spl.SC.Nos.75 & 76 of 2025 expeditiously, uninfluenced by any of the observations made herein. Consequently, all the connected miscellaneous petitions are closed.

Internet : Yes
gk

29.08.2025

To

1.The Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District.



Crl.OP(MD)Nos.10469, 11036, 11763, 12032 of 2025

B.PUGALENDHI, J.

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2.The Sessions Judge,
Special Court for Exclusive Trial of Cases under the POCSO Act,
Thoothukudi.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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