



CRLOP(MD)Nos.12892 and 12600 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 28.08.2025
Pronounced on: 18.09.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRLOP(MD)Nos.12892 and 12600 of 2025
and
CrIMP(MD)Nos.9793 and 10116 of 2025

in CrLOP(MD)No.12892 of 2025

Neelakandan

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.
[Crime No.15 of 2025]

2.Abisha

3.Lakshmiprabha
Inspector of Police,
DCB, Thoothukudi.

4.Lakshmiprabha
Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.

...Respondents

[R3 is suo motu impleaded vide order dated 12.08.2025 and R4 is impleaded vide order 25.08.2025]



CRLOP(MD)Nos.12892 and 12600 of 2025

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, to call for the records pertaining to the case
registered in First Information Report in Crime No.15 of 2025 dated
14.05.2025 on the file of the 1st respondent and quash the same as illegal
as far the petitioner is concerned.

in CrIOP(MD)No.12600 of 2025

Neelakandan

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.
[Crime No.22 of 2025]

2.Blessy

3.Lakshmiprabha
Inspector of Police,
DCB, Thoothukudi.

4.Lakshmiprabha
Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.

...Respondents

[R3 is suo motu impleaded vide order
dated 12.08.2025 and R4 is impleaded
vide order 25.08.2025]

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, to call for the records pertaining to the case
registered in First Information Report in Crime No.22 of 2025, dated
20.06.2025 on the file of the respondent police and quash the same as
illegal as far as the petitioner is concerned.



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For Petitioner : Mr.T.Lajapathi Roy,

Senior Counsel for

Mr.G.Anto Prince

For Respondent : Mr.P.Kottaichamy,

No.1

Government Advocate (Crl Side)

For Respondent :Mr.M.Punitha Devakumar

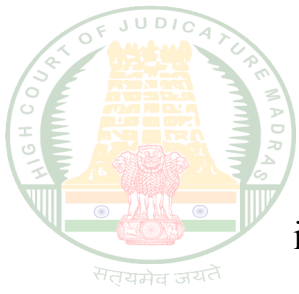
No.2

in both petitions

COMMON ORDER

The petitioner is facing two criminal cases, one in Crime No.15 of 2022 on the file of the respondent police registered for the offence under Sections 7 and 8 of the Protection of Children from Sexual Offences Act and the other in Crime No.22 of 2025 on the file of the respondent police for the offence under Section 354(A), 294(b) and 506(2) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. The petitioner with a grievance that these cases have been foisted as against him pursuant to the civil suit filed by him, has filed these criminal original petitions to quash the first information reports pending in Crime Nos.15 and 22 of 2025.

2.The learned senior counsel appearing for the petitioner has made the following submissions:



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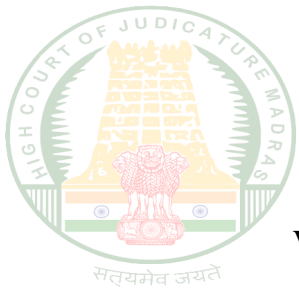
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i.The case in Crime No.15 of 2025 has been registered on 14.05.2025 for the offence under Sections 7 and 8 of the Protection of Children From Sexual Offences Act, for the alleged incident took place on 09.02.2023.

ii.The allegation in the complaint dated 14.05.2025 is that when the defacto complainant was 17 years old, the petitioner is alleged to have hugged and kissed her. The FIR has been registered based on the complaint dated 14.05.2025, after two years of the occurrence, without any credible explanation for this huge delay.

iii.In fact the petitioner has lodged a complaint before the Superintendent of Police, Tenkasi on 26.03.2025 alleging threat from the defacto complainant in Crime No.22 of 2025 and has also stated that there is a possibility of foisting a case under the POCSO Act as against him.

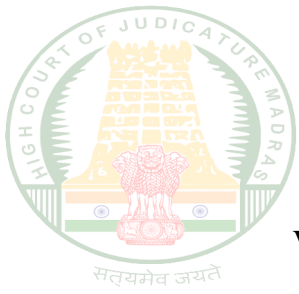
iv.The petitioner has lodged another complaint as against the mother, father of the defacto complainant in Crime No.15 of 2022 and others for house trespass and the same is pending in Crime No.145 of 2025, dated 21.04.2025 before the Surandai Police Station. In this background, the case in Crime No. 15 of 2025 has been registered.



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v.The defacto complainant in Crime No.15 of 2025 was aged about 19 years and therefore, the registration of a case on the complaint of the defacto complainant, who is aged about 19 years, would not attract the offence under the POCSO Act. Therefore, the defacto complainant / victim cannot be treated as victim under POCSO Act and she cannot maintain the case in Crime No.15 of 2025 registered under the POCSO Act.

vi.The defacto complainant's father Kumar had approached the petitioner for preventing the auction by the bank on their property in the month of December 2022 and he has borrowed a sum of Rs.30 lakh, in turn he has also executed a power of attorney to one Subramanian regarding the property. The petitioner has purchased this property from the defacto complainant's father Kumar through his power of attorney Subramanian on 27.11.2023. Kumar's wife the defacto complainant in Crime No.22 of 2025 has raised certain issue with the petitioner and therefore, the petitioner has filed a civil suit as against the defacto complainant's parents in OS.No.2 of 2024 seeking permanent injunction as against the defacto complainant's parents to protect his peaceful possession.



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vii.The defacto complainant's parents and others had trespassed into the petitioner's house and attempted to forcibly evict him, for which a criminal complaint has lodged and the same has been registered in Crime No.145 of 2025 as against the defacto complainant's parents on 02.04.2025.

viii.The defacto complainant's parents have obtained anticipatory bail from the learned Principal Sessions Judge, Tenkasi in connection with Crime No.145 of 2025, on 14.04.2025 and on the same day, they lodged a complaint through their daughter by way of a direction petition before this court in CrIOP(MD)No.7317 of 2025, as if the complaint was lodged on 02.04.2025. Though the defacto complainant has projected that there was a complaint on 02.01.2024, there was no material, therefore, this court has considered the submission of the defacto complainant and has permitted her to lodge a complaint. Therefore, the present complaint in Crime No.15 of 2025 was lodged on 15.04.2025 after two years, from the alleged incident on 09.02.2023 and the case in Crime No.15 of 2025 was registered in a mechanical manner.

ix.This petitioner was arrested and released on bail by the learned Judicial Magistrate on 10.06.2025 with certain conditions. Subsequently the conditions were relaxed on 19.06.2025. Immediately another



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complaint was lodged as against this petitioner on 20.06.2025, as if this petitioner has misbehaved with the mother of the defacto complainant in Crime No.15 of 2025 and therefore, another case was registered in Crime No.22 of 2025 on 20.06.2025 for the offence under Sections 354(A), 294(b), 506(2) and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act. This complaint is also lodged for the occurrence said to have taken place in the year 2023.

x.The second complaint has also been lodged with a delay of two years and six months, in order to cancel the bail granted to the petitioner in Crime No.15 of 2025.

xi.Therefore these two complaints have been foisted as against the petitioner and they have been filed one after the other in order to coerce, defame and to exploit the petitioner and to grab the petitioner's property, in respect of which a civil suit is pending in OS.No.2 of 2024. Therefore, the complaints are motivated, maliciously instituted and liable to be quashed.

3.The main contention of the petitioner is that the case has been registered as against the petitioner on the complaint of the defacto complainant in Crime No.15 of 2025 on 14.05.2025, when the defacto

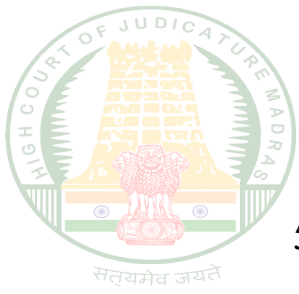


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complaint was aged about 19 years. Sections 7 and 8 of the POCSO Act deals with the assault on the child. The child has been defined under Section 2(d) of the Protection of Children from Sexual Offence Act, 2012 as a person below aged about 18 years. Therefore, according to the learned senior counsel the complaint by a 19 years old person for the offence under the POCSO Act cannot be maintained.

4.Considering this submission of the learned senior counsel, this court has also perused the FIR in Crime No.15 of 2025. The FIR reveals that the occurrence had taken place on 09.02.2023 and there was a complaint by the mother of the defacto complainant about this incident before the respondent police on 06.12.2023 and another complaint was lodged on 11.12.2023, however, the same has not been registered. Therefore the defacto complainant filed a petition before this court in CrIOP(MD)No.7317 of 2025, wherein the respondent police took a plea that the said complaint is not available in their file and therefore, this court disposed of that application by order dated 24.04.2025 permitting the defacto complainant / petitioner therein to lodge a fresh complaint and also directed the respondent police to enquire into the same. Accordingly, the complaint has been lodged on 26.04.2025 and at the relevant point of time, the defacto complainant was aged about 19 years.



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5. Since the first information report itself reveals that there was a complaint on 06.12.2023, on 11.12.2023 and also on 16.12.2023, this court directed the respondent police to file a report as to the steps taken by the respondent police on the earlier complaints dated 06.12.2023, 11.12.2023 and 16.12.2023. This court has also ordered notice to the 2nd respondent / defacto complainant.

6. The Superintendent of Police, Tenkasi has filed a status report before this court as to the course of action taken on the complaint of the defacto complainant's mother dated 06.12.2023, 11.12.2023 and 16.12.2023 as under:

“Tmt. Blessy had given a petition to the SP, Tenkasi on 06.12.2023 stating that the petitioner had allegedly sexually harassed her and he spoke to her daughter in her phone in a derogative manner and thus harassed her sexually. She has attached certain WhatsApp communication between her and the petitioner. He has grabbed her house property in a fraudulent manner. It was forwarded to AWPS, Alangulam and it was enquired by Tmt. Lakshmi Praba, Inspector of Police, AWPS, Alangulam on 04.01.2024 and during the enquiry, it was informed by the complainant that her daughter Abhisha



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was studying in a private dental college at Coimbatore and she will produce her for further enquiry. Recording the same, the enquiry has been closed by the Inspector.

Tmt. Blessy had preferred a petition before the SP Tenkasi on 11. 12.2023 stating one Subramani @ Raj of Surandai, Neelankandan of Surandai, Dr.Nallasivam, the Sub Registrar, Surandai and few others alleging that the petitioner had executed a sale deed in a fraudulent manner and alienated their house on his name. The life certificate has been fraudulently prepared by the petitioner with the help of one Dr.Nallasivam for executing the sale deed in Doc.No.4073 of 2023. This petition was forwarded to DSP, Alangulam for enquiry and the complainant and the petitioner appeared for enquiry on 26.12 2023 and 27.12.2023 respectively. While the petition enquiry is pending, a suit in O.S.No.02 of 2024 was filed by the petitioner. Therefore, this complaint was closed by the DSP on 08.03.2024

On 16 12 2023, Tmt. Blessy again presented the petition before the SP, Tenkasi referring to her complaint dated 11.12 2023 and alleged that the petitioner is not co-operating for the enquiry. She has also raised allegations against the then DSP, Alangulam that her petition was not enquired properly. This petition was forwarded to ADSP,



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CWC and during the enquiry, the petitioner had stated that her daughter is at Coimbatore, attending exams in her college and requested to enquire her daughter later and take appropriate action. Therefore the ADSP, CWC has closed the petition stating that the daughter of Tmt.Blessy did not appear for the enquiry and appropriate action to be taken after obtaining the statement from her minor daughter on 04.01 2024.

Selvi Abhisha, D/o Tmt. Blessy filed a petition before this court in CrI.OPNo.7317 of 2025 seeking a direction for the registration of case against the petitioner on her complaint,dated 02.01.2024. This court recording that no such petition is available at AWPS, Alangulam and the same could not be traced out, granted liberty to the petitioner to approach the DSP, Alangulam to lodge a fresh complaint. Accordingly, a case in Alangulam AWPS Cr. No. 15/2025 u/s 7, 8 of POCSO Act and 506 (ii) IPC was registered and investigated, final report was also filed at PDJ Court, Tenkasi and e-filing was done (LTN 20220002216C202500033)

Further based on the complaint of Tmt. Blessy w/o Kumar on 20.06 2025, a case in AWPS Alangulam PS Cr No. 22/2025 u/s 294(b), 354(A), 506(ii) IPC and 4 of TNPHW Act 2002 was registered for the occurrence,



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which happened two years earlier against the petitioner and the same is under investigation.

The petitioner obtained anticipatory bail before this court.

Subsequently based on the complaint given by Tmt Belssy w/o Kumar on 07 08 2025, a case in Surandai PS. Cr No 396 of 2025 u/s 296(b), 115(2) 351(3) and 49 BNS r/w 4 of TNPHW Act 2002 was registered. It is alleged that due to previous enmity between the complainant and the petitioner, an unknown person followed her in a bike wearing helmet and later pushed her down from the bike causing injury. The said person abused her by using filthy languages and threatened, if she files a complaint against this petitioner. This case is under investigation.”

7.The defacto complainant in Crime No.22 of 2025 has filed a counter affidavit for both the cases stating that her daughter defacto complainant in Crime No.15 of 2025 was sexually harassed by this petitioner on 09.02.2023, when she was aged about 17 years and she was also a student. The property dispute had arisen in the month of November 2023. She further states that the petitioner by impersonation and also with fabricated fitness and life certificate obtained from a



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persons who is not a government doctor, has created documents pertaining to her house property. The closure of her complaints was never intimated to her. She has also placed certain WhatsApp chats between the petitioner and the defacto complainant, which contains obscene messages sent by the petitioner. She has also placed the video call recording between them wherein the petitioner appeared in nude. The learned counsel for the 2nd respondent has also pointed out the conversation between the petitioner and the mother, wherein the petitioner has demanded the daughter of the defacto complainant.

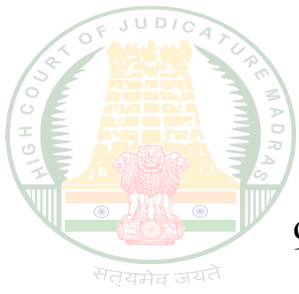
8.The complaint dated 06.12.2023 is placed before this court. This complaint has been lodged with specific averment that the petitioner has attempted to speak with the defacto complainant's daughter, insisted to bring her daughter and has also attempted to converse with her daughter in sexual manner and if they are not yielding to his desires, he will prevent them from selling the property and put them into difficulties. He has also demanded interest at the rate of 10% per month for the money provided by him. She has also pointed out that the petitioner has made a video call in nude manner. She was in debt and she was waiting for the sale of property. On knowing this, he has transferred



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the property in his name and also went to the extent of lodging a complaint against the defacto complainant. The complaint dated 06.12.2023 makes out a criminal case that the petitioner has made a nude video call to the defacto complainant, who borrowed money from him and he attempted to abuse her daughter also, demanded exorbitant interest, used obscene words with an intention and also criminally intimidated. However this complaint of the defacto complainant dated 06.12.2023 has been casually closed by the Inspector of Police, All Women Police Station that the minor daughter of the defacto complainant was not produced for enquiry. The proviso to Section 176 BNSS makes it clear that the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice when the offence of rape is involved. Similarly, there is a procedure under Section 24 of the POCSO Act with regard to the recording of statements of victims and the same is extracted as under:

"—(1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector."

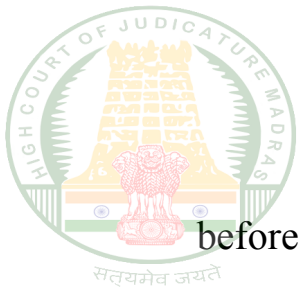


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9.The above provision makes it clear that it is the duty of the police officer to visit a convenient place for the victim and record their statement in that place. However, instead of doing the same, the complaint has been closed for the reason that the victim was not produced before the Investigating Officer and hence her statement was not recorded. The same is in violation of the provisions under the POCSO Act.

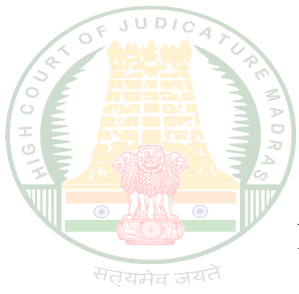
10.When a complaint has been made constituting an offence under the POCSO Act, it is the responsibility of the police officer to ascertain the same by verifying the documents placed and also by examining the witnesses. The Inspector of Police closed the complaint dated 06.12.2023 on the ground that the victim was not produced, which enabled the petitioner to take out a plea that for the incident said to have taken place on 19.02.2023, the complaint has been lodged on 14.05.2025. The complaint dated 06.12.2023 was not lodged for the offence under the POCSO Act alone and also for the obscene video call made by the petitioner to the defacto complainant. The defacto complainant claims that she has recorded the same and placed before the police along with her complaint dated 06.12.2023. The copy of the same is also placed



before this court. Apart from that the defacto complainant has also placed

certain conversation made between the petitioner and the defacto complainant. Some of them are obscene and it is not known whether they had illegal relationship or the conversation was made under threat. It is a matter for investigation.

11. Even according to the petitioner, the defacto complainant's property was pledged with Repco bank, she approached the petitioner demanding money. He claims that he has paid a sum of Rs.30 lakh. However power of attorney was created in the name of one Subramanian and from the said Subramanian, the property has been transferred in the name of the petitioner. There is an allegation of demand of exorbitant interest in the complaint dated 06.12.2023. However, this allegation has not been attended and it has not been ascertained whether there was any demand for exorbitant rate of interest by the petitioner/ accused. The defacto complainant is a mother of a special child and the child was also having several ailments and they were in need of money, pledged the property with bank, could not repay the money. Therefore she borrowed the money from the petitioner by pledging the property. Admittedly this petitioner helped the defacto complainant by redeeming the property from the Repco bank.



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12. Though the learned senior counsel for the petitioner has raised a ground that the complaint was lodged with a delay of two years and it is not lodged by a minor, it is pertinent to note that Section 19 of the POCSO Act does not prescribe a limitation period for lodging a complaint under the Act. Very often, children are unable to report such crimes as the perpetrator in most cases is either a family member, a relative or closely known person. The victim continues to carry the trauma of sexual abuse till very late in life and in order to overcome this trauma many adults report the abuse faced by them when they were children. There is no provision under the POCSO Act which prohibits an adult from lodging a complaint for the offences committed against them when they were minors. Hence, the contention of the learned senior counsel is not acceptable. Therefore, on the grounds raised by this petitioner, this court is not inclined to quash the proceedings at the stage of investigation, when there are enough materials placed before this court to make out an offence as against the petitioner. Accordingly these petitions are dismissed. Consequently connected miscellaneous petitions are closed.

13. This court is of the view that the investigation on the complaints of the defacto complainant, has not been conducted in a proper manner.



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Therefore this court transfers the investigation in Crime Nos.15 and 22 of 2022 on the file of the respondent police to the DSP, CB-CID, Tenkasi, to conduct further and proper investigation including the manner in which the earlier complaints of the defacto complainant were closed.

18.09.2025

DSK

To

- 1.The Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.
- 2.The Deputy Superintendent of Police,
CB-CID, Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

DSK

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