



Crl.O.P.(MD)No.21233 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.21233 of 2024

and

Crl.M.P(MD) Nos.13198 and 13199 of 2024

Jospeh Selwyn

.. Petitioner

Vs.

1. The Inspector of Police
All Women Police Station
Tirunelveli City

2. N.Sheela
Case worker
Child Helpline, District Protection Unit
Tirunelveli District

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records of the impugned Charge sheet in Special C.C.No. 211 of 2024 on the file of Learned Sessions Judge, Special Court for Trial of cases under POCSO Act, Tirunelveli and Quash the same

For Petitioner : Mr.Selva Aditya
for Mr.K.Prabhu Rajadurai

For Respondents : Mr.M.Vaikkam Karunanithi
No.1 Government Advocate(Crl.Side)
No.2 : No appearance



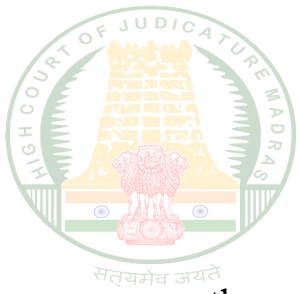
Crl.O.P.(MD)No.21233 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the proceeding in Spl.C.C.No.211 of 2024 on the file of the learned Sessions Judge, Special Court for trial of cases under POCSO Act, Tirunelveli

2. The case of the prosecution is that the petitioner herein was working a teacher in Municipal Girls Higher Secondary School, Kallanai , Tirunelveli from the year 2012 and the petitioner was about to retire from service in June 2025. Whiles, based on the complaint of the second respondent the first respondent registered a case in Crime No.19 of 2023 for the offences under Sections 7,8,9(f),10,12 of the POCSO Act,2012. As per the complaint the petitioner while taking class to girl students misbehaved with them and there by the case has been registered and the first respondent conducted investigation and filed final report. The Special Court has taken cognizance for the offences under Sections 7,8,9(f),10,12 of the POCSO Act,2012 and the same is pending in Special CC No.211 of 2024. Now the petitioner who is an accused in this case is challenging the pending proceedings.



WEB COPY

3.The learned counsel appearing for the petitioner would submit that the petitioner was working as a teacher in Municipal Girls Higher Secondary School, Kallanai, Tirunelveli Town. Whileso the second respondent made a complaint to the first respondent that she received information from one Arulselvi of Child Helpline that the petitioner while working as a teacher in the school was touching the shoulder of the girls and that he sung a film song and asking the students to call him as ‘Mama’ instead of Sir and that he was speaking in double meaning . Infact the petitioner is innocent and he had worked for 16 years as a teacher and for about 12 years in that particular school. There was rivalry between the petitioner and teachers, therefore the petitioner was falsely implicated in this case. As per the statement from the students no any offence is made out and even as per the final report there are no specific allegations and more over during the examination under Section 164(5) of Cr.P.C., before the Magistrate, the victim girl has not disclosed anything about the alleged occurrence and only due to the mis understanding between the teachers, a false complaint has been lodged. Thereafter the first respondent without conducting proper investigation had final report and the trial Court also without any prima facie materials had taken cognizance, therefore the pending proceedings are liable to be quashed.



WEB COPY

4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint lodged by the second respondent the first respondent registered a case in Crime No. 19 of 2023 for the offences under Sections 7,8,9(f),10,12 of the POCSO Act, 2012 and thereafter the first respondent conducted proper investigation filed final report and they examined the victim and there are *prima facie* materials available as against the petitioner, thereby the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. The petitioner is none other than the school teacher where the victim was studying and as per the complaint lodged by the second respondent a case has been registered as against the petitioner. The second respondent is working in Child Help Line Unit. According to her complaint, during enquiry students stated accused used to hold the shoulder of the victim and had spoken words in double meaning. He asked the victims to call him as 'Mama' , those are all the allegations. Infact the victim herself has given statement under Section 164 Cr.P.C., As per the statement there are no materials as against the petitioner and even as per



WEB COPY

the prosecution he touched the shoulders of the victim at the time of teaching in the class room and also he asked the students to call him as Mama but during examination before the Court under Section 164(5) of Cr.P.C., the so called victim has not stated about the same. Moreover the alleged occurrence took place in the open class room, it is also taken into account. Even as per the prosecution case there are vague and bald allegations and only hearsay. Therefore there are no materials available to constitute the offences under Sections 7,8,9(f),10,12 of the POCSO Act, 2012.

7. The petitioner is also about to retire in the month of June 2025. The statement of the victim clearly shows that there is a dispute between the teachers in the school. While so, the Child Help Line unit people without conducting proper enquiry filed the present complaint and based on the complaint the first respondent also conducted investigation and filed final report. The trial Court also without any prima facie materials had taken cognizance. The motive behind the complaint shows that there is rivalry between the school teachers, therefore the complaint has been lodged and the victim also not stated anything about the incriminating materials as against the petitioner through the statements



Crl.O.P.(MD)No.21233 of 2024

recorded under Section 164 of Cr.P.C., there by the pending proceedings is abuse of process of law and the same is liable to be quashed.

WEB COPY

8. Accordingly the Criminal Original Petition stands allowed and the proceedings in Spl.C.C.No.211 of 2024 on the file of the learned Sessions Judge, Special Court for trial of cases under POCSO Act, Tirunelveli is hereby quashed. Consequently connected miscellaneous petitions stand closed.

25.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav

To

1. The Sessions Judge, Special Court for Trial of cases under POCSO Act, Tirunelveli
2. The Inspector of Police
All Women Police Station
Tirunelveli City
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21233 of 2024

P.DHANABAL,J.

aav

Crl.O.P.(MD)No.21233 of 2024

25.04.2025