



Crl.O.P.(MD) Nos.16401 to 16403 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) Nos.16401 to 16403 of 2025

and

Crl.M.P.(MD) Nos.13385 to 13387 of 2025

Kandasamy	... Petitioner in Crl.O.P. (MD) No.16401 /25
Alagianambi	... Petitioner in Crl.O.P. (MD) No.16402 /25
Chockalingaboopathy	... Petitioner in Crl.O.P. (MD) No.16403 /25

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ambasamudram, Tirunelveli District,
Tirunelveli.

2.The State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
(Crime No.24 of 2025)

3.Madhavi	... Respondents in all Crl.O.Ps.
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Crl.O.P.(MD) Nos.16401 to 16403 of 2025

Common Prayer : Criminal Original Petitions filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the impugned FIR in Crime No.24 of 2025, on the file of the Inspector of Police, All Women Police Station, Ambasamudram, Tirunelveli and quash the same insofar as the petitioners are concerned.

For Petitioner
in all Crl.O.Ps. : Mr.K.Muthu Ganesa Pandian

For R1 & R2
in all Crl.O.Ps. : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R3
in all Crl.O.Ps. : Mr.S.Satheesh Kumar

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the impugned FIR in Crime No.24 of 2025 on the file of the second respondent, registered against the petitioners/A2 to A4 for the offences punishable under Sections 332(b) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, Sections 11(4), 12, 3, 4, 21(1) and 21(2) of the Protection of Children from Sexual Offences Act, 2012, and Section 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



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2. The petitioners are arrayed as A2 to A4, respectively. The gist of the allegations in the impugned FIR is that the first accused, the driver, had committed sexual assault on the victim girl, who was studying in the school in which the petitioners are the Secretary, Headmaster, and Clerk, respectively; that when the victim girl informed them about the sexual assault committed by the driver, they requested her not to file a case against the driver and also insisted that she obtain a Transfer Certificate from the school; and that, therefore, the petitioners are also liable for the offence under Section 21(1) of the POCSO Act.

3. The learned counsel for the petitioners would submit that the allegations are inherently improbable and false; that the school in which the petitioners are employed has a very good reputation; that it is highly improbable that the petitioners would have asked the victim girl not to file a complaint after coming to know of the sexual assault allegedly committed by the first accused; that the impugned prosecution is, therefore, attended with *mala fides*; and that there is a delay of nearly 25 days in the registration of the FIR, and the allegations against the petitioners are an afterthought.



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4. The learned counsel for the third respondent/defacto complainant, who is the mother of the victim girl, would submit that the third respondent/defacto complainant had not made any allegations against the petitioners; that she had only complained against the first accused, who had committed sexual assault on the victim girl; and that she was not aware of the contents of the FIR. He has also filed affidavits in all the Criminal Original Petitions sworn by the third respondent/defacto complainant, in which she had deposed that the complaint was prepared by one Arunachalam.

5. The third respondent/defacto complainant is present before this Court in person. She is identified by M/s.M.Meenambigai, Women Head Constable, All Women Police Station, Ambasamudram. She confirms that she was not aware of the contents of the FIR; and that she had not lodged any complaint against the petitioners herein. She further states that the petitioners were not involved in shielding or concealing the offence in any manner.

6. The scanned copy of he affidavit filed in one of the cases is given below:



CrI.O.P.(MD) Nos.16401 to 16403 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH

CrI.O.P (MD) No. 16401 of 2025

Against

Crime No. 24 of 2025 on the file of Inspector of Police
All Women Police Station, Ambasamudram.

Kandasamy, aged 61,
S/o.K.Subramaniyan,
37, Gayathri Bavanam,
Velayutha Nagar,
Ambasamuthram,
Tirunelveli District 627 401.

.. Petitioner/Accused-2

Versus

1. The State Rep. by Inspector of Police
All Women Police Station
Ambasamudram
Tirunelveli District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ambasamudram,
Tirunelveli district,
Tirunelveli. .. 1st and 2nd respondents/Complainants
3. Madhavi, aged 43,
W/o. Mariappan (late)
No.6/1, 4th Street, Puthu Colony
Mudapalam, Ambasamudram
Tirunelveli District.

.. Respondent/
Defacto Complainant.

AFFIDAVIT FILED ON BEHALF OF THE 3RD RESPONDENT

- I. Madhavi, W/o. Mariappan(late), Hindu, aged about 43 years,
residing at No.6/1,4th street, Puthu colony, Mudapalam,
Ambasamudram, Tirunelveli district, now come over to Madurai, do
hereby solemnly affirm and sincerely state as follows:-

M. Loganathan



WEB COPY

1. I am the 3rd respondent herein and as such I am well acquainted with the facts and circumstances of the case.
2. I humbly submit that my daughter was studying in Theerthapathy Higher Secondary School, Ambasamudram, Tirunelveli district, one Manikumar who is working as a driver in Tata ace vehicle belongs to Maharajan, the said Manikumar had continuously harass my daughter, later I came to know that he had trespassed to my house on 06.07.2025 and misbehaved to my daughter, regarding which myself along with my kin and kith gone to an advocate office for getting advice on 28.07.2025 with the accompany of one Arunachalam.
3. I humbly submit in that office, they prepared a complaint and sent me out, again 01.08.2025 at about 7 am the said Arunachalam came to my house and took me to Ambasamuthram Police station, where they have obtained signature from me in the complaint already prepared by them and the same was given to Ambasamuthram police station, later I came to know that the petitioner who is functioning as Secretary of the School Mr.Kandasamy was arrayed as 2nd accused in my complaint I was totally shocked, since he was no way connected to my complaint and he is having no nexus with the alleged offence committed in the FIR in crime no. 24 of 2024 on the file of the 1st respondent, the facts being so pertained to the above stated circumstances I have filed an affidavit before the Hon'ble Special Court for POCSO offences, Thirunelveli in Crl.M.P.No. 480 of 2025 in Crl.O.P.No. 13490 of 2025, wherein I have averred all the submission stated above.

M. Logan.



WEB COPY



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4. I humbly submit that on 11.09.2025 I have sent representation to the higher officials to remove distorted information stipulated in the FIR as against the petitioner in Crime no.24 of 2024 on the file of the 1st respondent under malafide reasons, further I have sent representation to the 2nd respondent/ investigation officer on 20.09.2025, regarding which an enquiry was conducted by the Additional Superintendent of Police, offences related to women and children, Tirunelveli district vide C.No.105/ADGP/CWC/2025 dated 24.09.2025, I have participated the enquiry on that date and given my explanation too. Hence I request before this Hon'ble Court that the petitioner was wrongly arrayed as accused in the criminal case, infact I have never raise any allegations against the petitioner.

In the light of the fore going circumstances this Hon'ble court may be pleased to pass appropriate order in this criminal original petition and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Madurai this the 5th day of November 2025 and the contents of this affidavit having been truly and audibly read over and explained to the deponent in Tamil and after having understood the same signed his name in my presence.

M. G. S. S.

BEFORE ME

[Signature]
T. S. S. S.
(S. Ramakrishnan)
Advocate
161, Law Chambers,
1877 Court
Madu. - 3 -
9443581024



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7. Though this Court is inclined to quash the FIR as against the petitioners on the basis of the statement of the third respondent/defacto complainant, considering the fact that several false allegations have been made by misusing the provisions of the POCSO Act, this Court deems it fit to direct an enquiry against the said Arunachalam, who is said to have aided the defacto complainant, who does not appear to be literate, and has allegedly compelled her to lodge a complaint against the petitioners. Since the said Arunachalam is not before this Court, this Court is not inclined to direct registration of the FIR directly. However, the second respondent shall conduct an enquiry, and if it is found that the said Arunachalam or any other persons were responsible for lodging a false complaint against the petitioners, suitable action shall be taken under the POCSO Act for false prosecution.

8. In the light of the statement and the affidavit filed by the third respondent/defacto complainant, and even otherwise, as the allegations in the FIR appear to be improbable insofar as the petitioners are concerned, this Court is inclined to quash the FIR insofar as the petitioners are concerned. The second respondent shall continue with the investigation as



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against the first accused and file a final report, after concluding the enquiry as aforesaid, within a reasonable time.

9. Accordingly, these Criminal Original Petitions are allowed.

Consequently, the connected Miscellaneous Petitions are closed.

07.11.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Ambasamudram, Tirunelveli District,
Tirunelveli.
- 2.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

JEN

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