



WEB COPY



CRL OP No. 7802 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No.7802 of 2026

and

CRL MP No.5555 of 2026

S.Kavil,
S/o.Selvakumar,
T.Gandhi Nagar, Peyrar,
Thumanatti Post,
The Nilgiris.

Petitioner

Vs

1.The Inspector of Police,
AWPS, Ooty Rural Police Station,
Nilgiris District.

2.The District Child Protection Officer,
District Child Protection Unit,
Udhagamandalam.

3.xxxxx
D/o.xxxxx
Xxxxx
The Nilgiris.

Respondents

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records in Spl.S.C.No.72 of 2025 pending on the file of Sessions Judge, Mahila Neethimandram, Fast Track Mahila Court, Udhagamandalam and quash the same as against the petitioner.

For Petitioner : Mr.N.Chandran



WEB COPY



CRL OP No. 7802 of 2026

For Respondent-1:

Mr. Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The petitioner/accused facing trial for offence under Sections 65(2), 127(2), 115(2), 35(3) of BNS and 5(l), 5(n), 5(m) and 6 of POCSO Act had filed this quash petition.

2.The contention of the learned counsel for petitioner is that the petitioner is a minor aged about 16 years, when he was studying in 10th standard. The petitioner is said to have made bad touch on the victim. Further, the victim, in her statement, admits that first time bad touch was made three years prior to the second occasion. In the intervening period, she had not complained to any of the family members, but continued visiting to petitioner/cousin's house, regularly along with her sister. The explanation given for delay in lodging the complaint is that when the awareness programme was conducted in the school, she came to know about the bad touch and hence disclosed the fact. The further contention of the petitioner is that earlier there was a civil dispute between the petitioner and the victim's family. Further there is an inordinate delay in lodging the complaint and no explanation given. To project it as an aggravated sexual assault, more than one incidents shown. The petitioner not made any penetrative sexual assault even going by the



uncontroverted statement of the victim. Hence, prayed for quashing of the charge sheet.

3.The learned Additional Public Prosecutor submitted that the victim is a minor school going girl. When she was studying in 3rd standard, first incident took place and after some year, again the petitioner made bad touch. When in the school awareness programme conducted explaining good touch and bad touch, then only victim realized that she was subjected to sexual assault. Hence she lodged a complaint to child helpline and thereafter case registered, investigation conducted and now charge sheet filed listing LW1 to LW19 and documents. The petitioner's contention is false implication due to ill motive and further claims *alibi*, both grounds taken in defence, are matters of facts which has to be decided during trial.

4.Considering the submissions made and on perusal of the materials, it is seen that the points raised by the petitioner are factual and at this stage it cannot be decided and it has to be decided during trial. In view of the same, this Court is not inclined to entertain this petition. Hence, the Criminal Original Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.



CRL OP No. 7802 of 2026

WEB COPY

5. It is made clear that the observations made herein are only to the limited purpose of disposing of the above petition. The petitioner can raise all his defence during trial. The trial Court to consider the same independently, uninfluenced by the observations made herein.

30-03-2026

Index : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No
rsi

To

1. The Sessions Judge,
Mahila Neethimandram,
Fast Track Mahila Court,
Udhagamandalam.

2. The Inspector of Police,
AWPS, Ooty Rural Police Station,
Nilgiris District.

3. The District Child Protection Officer,
District Child Protection Unit,
Udhagamandalam.

4. The Public Prosecutor
High Court, Madras.



WEB COPY



CRL OP No. 7802 of 2026

M.NIRMAL KUMAR, J.

Rsi

**CRL OP No.7802 of 2026
and
CRL MP No.5555 of 2026**

30.03.2026