



WEB COPY

CRL OP No. 4934 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 4934 of 2026
and CRL MP No.3572 of 2026

M.R.Javith
S/o.Mohammed Rafi

..Petitioner(s)

Vs.

1. State rep. by,
The Inspector of Police,
Ambalur Police Station,
Tirupattur district.
Cr.No.37 of 2025.

2. Vijayalakshmi
W/o.Samraj

..Respondent(s)

Prayer: Petition filed under Section 528 of BNSS, 2023, seeking to call for the records and quash the Charge Sheet pending on the file of Special Court for Exclusive trial of cases under POCSO Act, Tirupattur (Vellore) in Spl.SC.No.158 of 2025.

For Petitioner(s): Mr.M.Sudhakaran
for M/s.Karan and Uday

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The petitioner / accused facing trial in Spl.S.C.No.158 of 2025 filed this quash petition on the ground that the petitioner was running Nisha Nursing



Home, one Moulishwaran, who is shown as LW10 had some issues with the petitioner who instigated two of the nursing trainees viz. LW1 and LW2 and projected as though the petitioner made inappropriate touch on the victims. On 02.04.2025, there was a dispute between the petitioner and the said Moulishwaran. Eight days thereafter viz. 10.04.2025 a complaint has been lodged.

2.It is the contention of the petitioner that the respondent police not conducted proper investigation and merely on the statement of tutored witnesses viz. LW1 and LW2, now a charge sheet filed. He further submitted that the petitioner's wife is said to have been present during the dispute. It is also projected that he is not a qualified doctor. The petitioner has been victimized for obvious reasons and his entire career and his personal life gets demolished due to the above case. He further submitted that LW9, who is running a Medical Academy and a Nursing Institute sends students as trainee nurses to the petitioner's Nursing Home and so far he has not received any complaint except for the present incident.

3.The learned Additional Public Prosecutor strongly opposed the petitioner's contentions and submitted that in this case LW1 lodged a complaint, based on the complaint, LW14 registered the case, visited the scene of occurrence, collected the documents, recorded the statement of witnesses



including the two victims viz. LW1 and LW2. The other witnesses confirmed that LW1 and LW2 were posted as trainee nurses in the petitioner's Nursing Home and the victims stated about the bad touch and harassment caused by the petitioner to them by giving details. Further, the victims statement before the learned Magistrate under Section 183 of BNSS, 2023, recorded confirms the averments against the petitioner. There is a prima facie material to proceed against the petitioner. On conclusion of investigation, LW17 filed the charge sheet in this case for the offence under Section 74 of BNS, 2023, Section 9(f), 10 of POCSO Act, 2012 and Section 4 of TNPHW Act, 2002. In the charge sheet, statement of LW1 to LW17 recorded and documents produced. The trial Court on finding prima case, issued summons to the petitioner, and the case is posted for appearance of the petitioner on 17.03.2026 for charge framing. The contention of the petitioner is factual to be decided in trial. Accordingly, prays for dismissal of the above petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor. Perused the materials placed on record.

5. Considering the submissions made that there are two victims in this case and one of the victims lodged the complaint and two victims given statement before the learned Magistrate. *Prima facie* materials available to proceed with the trial. With regard to petitioner's contention that it is a stage



mannered complaint and petitioner is framed in this case are the matters to be decided in trial. The veracity or otherwise of the witness has to be considered and decided during trial.

6. In light of the above, the above Criminal Original Petition stands dismissed. It is made clear that the observations made herein are only to the limited purpose of disposing of the above petition, the trial Court shall proceed with the trial and to consider the petitioner's contentions and to take the case to its logical end based on the evidence of the case. Consequently, the connected C.M.P.No.3572 of 2026 is closed.

03-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Inspector of Police,
Ambalur Police Station,
Tirupattur District
2. The Public Prosecutor
High Court of Madras
Chennai 600 104
3. The Special Court for Exclusive trial of Cases
under POCSO Act, Tirupathur (Vellore)



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M.NIRMAL KUMAR, J.

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