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CRL RC No. 880 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**CRL RC No. 880 of 2026
and CrI.MP.No.6855 of 2026**

Subashini
W/o.Ravichandran,
No.2/332, Sakthi Samundi Nagar, Union Office,
Navani Post, Puthu Sathiram Village and Post,
Namakkal District - 637 018.

..Petitioner(s)

Vs

1. State Rep. by, The Inspector of Police, Crime
W-20 All Women Police Station,
Saidapet, Chennai - 15.
Cr.No.10/2025.

2. Meenakshi
W/o.Sambathkumar,
No.B/43, B-Block, Thander Nagar, Saidapet,
Chennai - 15.

..Respondent(s)

PRAYER: This Criminal Miscellaneous Petition filed under Section 397 of Cr.P.C., to call for the records in order dated 19.02.2026 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in CrI.M.P.No.1624 of 2025 and set aside the same and pass such further orders or other orders as this Honble Court may deem fit and proper in the circumstances of the case and render Justice.

For Petitioner(s): Mr.S.Senthilvel

For Respondent(s): MR.R.KISHORE KUMAR,
GOVT.ADVOCATE (CRL SIDE) for R1



ORDER

WEB COPY This present Criminal Revision Petition has been filed challenging the order of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, in Crl.M.P.No.1624 of 2025 dated 19.02.2026 in Spl.S.C.No.216 of 2012, wherein the learned Magistrate dismissed the application.

2. The case of the prosecution is that the petitioner, while acting as a caretaker for the defacto complainant's family, committed repeated acts of aggravated penetrative sexual assault on the victim boy. Based on the complaint of the victim's mother, a case was registered and after investigation, a final report was filed and taken on file in Spl.S.C.No.216 of 2025 by the Special Court under the POCSO Act. Hence, the case.

3. The learned counsel for the petitioner submitted that the entire complaint has been falsely foisted against the petitioner on the allegation that she had a furtive relationship with the husband of the defacto complainant. He further submitted that, upon the same coming to the knowledge of the defacto complainant, the present complaint has been lodged with a motive to wreak vengeance against the petitioner by misusing the minor children, to whom the petitioner was taking tuition.



3(i). The learned counsel for the petitioner further submitted that this Court has taken note of the statements given by the defacto complainant as well as her husband, wherein there is a reference to the alleged relationship between the petitioner and the husband of the defacto complainant. However, apart from such statements, there is no substantial material to attract the ingredients of the offence under Section 5(f) of the POCSO Act. However, the learned Magistrate failed to consider this aspect and dismissed the petition.

4. The learned Government Advocate (Crl.Side) strongly opposed the contentions advanced on behalf of the petitioner and invited the attention of this Court to the further allegation contained in the statements recorded under Section 161 Cr.P.C., wherein the petitioner is also implicated for offences punishable under Section 5(m) of the POCSO Act.

5. I have given my anxious consideration to the submissions made on either side.

6. It is a well-settled principle of law that, at the time of considering an application under Section 239 Cr.P.C., the Court cannot go into the merits of the matter and is only required to consider the materials available on record. Accordingly if, the available materials while remain uncontroverted do not



make out any case against the accused, then alone the accused is entitled to be discharged.

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7. In the present case, if the allegations made against the petitioner in the statements recorded under Section 161 Cr.P.C., and under Section 183 of BNS are taken at their face value and remain unrebutted, they prima facie disclose the involvement of the petitioner. As rightly contended by the learned Government Advocate, such materials stand against the petitioner at this stage. Therefore, the contention of the petitioner that there are no allegations against her and that the complaint has been lodged only to sever the alleged relationship between the petitioner and the husband of the defacto complainant cannot be considered at this stage. This Court is of the firm view that there are no merits in the present revision. This Court also finds no infirmity in the order passed by the learned Magistrate.

8. Accordingly, this Criminal Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

17-04-2026

DRL



To

1. The Special Court for Exclusive Trial of
Cases under POCSO Act, Chennai.

2. The Inspector of Police, Crime
W-20 All Women Police Station,
Saidapet, Chennai - 15.
Cr.No.10/2025.

3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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