



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 15936 of 2026
and CRL.MP.No.10410 of 2026**

- 1.Nathamuni
- 2.Jagadishbabu
- 3.Krishnamoorthy
- 4.Mohan @ Mohanraj

..Petitioner(s)

Vs

The State rep. by
The Inspector of Police,
Podhaturpet police station,
Podhaturpet,
Tiruvallur district.
Cr.No.350 of 2018.

..Respondent(s)

To set aside the docket order passed by the learned Principal District and Sessions Judge, Tiruvallur dated 10.04.2026 in unnumbered transfer CMP filing No.1335 of 2026 in Spl.SC.No.27 of 2021 and consequently direct the Hon'ble Principal District and Sessions Judge at Tiruvallur to number the petition and dispose of the petition within the time frame fixed by this Honble court.

For Petitioner(s): Mr.A.Selvakumar

For Respondent(s): Mr.A.Amarnath,
Government Advocate (Crl. Side)

**ORDER**

The petitioners/A2 to A5, who are facing trial in Spl.SC.No.27 of 2021 for the offence under Sections 302, 201, 450, 376, 2n, 376(3), 363, 366, 365, 366(a), 354(b), 368, 376, 506(2), 342 and 34 IPC read with 6 and 17 of POCSO Act, have filed this quash petition.

2. The contention of the petitioners/A2 to A5 is that A1 (Sankar @ Sankaraiah) in this case and the victim girl, who was a school going child, were involved in a love affair. The victim was found pregnant and later, she died under mysterious circumstances. It has been projected as though the petitioners had forced A1 to bring the victim girl to a farmhouse to commit penetrative sexual assault. The complaint of the parents of the victim was that the victim had gone to school and thereafter had not returned home. Initially, a girl missing FIR was registered and later, it was altered and the petitioners were arrayed as A2 to A5, who were also involved in the offence. They were arrested and are now facing trial. The petitioners filed a transfer application before the Principal Sessions Court, in unnumbered Transfer C.M.P.No.1335 of 2026 and the same was dismissed by order dated 10.04.2026, against which, the present petition has been filed.

3. During the chief examination of PW1 and PW2 on 28.11.2025, to the utter shock and surprise, the learned Principal District and Sessions Judge from

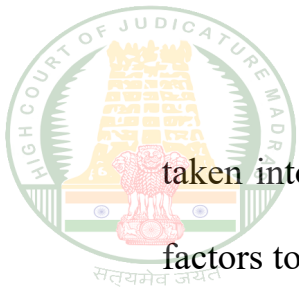


the very beginning started to tutor the witnesses and recorded the witnesses as per his wish. Further, PW1, the mother of the victim, during chief examination, did not cry, but the learned Judge, repeatedly told don't try.

4. The learned Government Advocate (Crl. Side) vehemently opposed the contention of the learned counsel for the petitioners. He submitted that, the petitioners ought to have filed transfer application before the High Court and not before the Principal Sessions Court. Therefore, the order passed by the Principal Sessions Judge in not numbering the transfer application and dismissing the same is proper.

5. The learned Government Advocate (Crl. Side) refuted the allegations made in the affidavit filed in support of the transfer petition and the submissions made by the counsel for the petitioners. He further stated that no such incident had taken place as alleged in the affidavit filed in support of the said petition. PW1 and PW2, being the parents of the victim, would naturally become emotional while deposing, as they had lost their budding young daughter under mysterious circumstances.

6. The learned Government Advocate (Crl. Side) further submitted that the Cr.P.C. contemplates that the demeanour of the witnesses to be recorded as the conduct and demeanour perceived by the Court are relevant factors to be



taken into consideration while appreciating the evidence. These are important factors to be considered during the course of trial.

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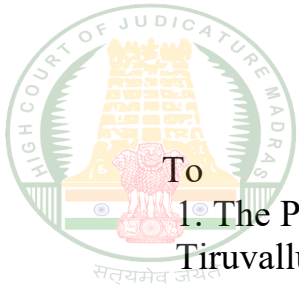
7. The learned Government Advocate (Crl. Side) further submitted that the respondent Police, who were present before the Trial Court during the examination of the witnesses PWs.1 and 2, have confirmed that no such incident had happened. According to him, the allegations made by the petitioners are nothing but an exaggeration, intended only to delay the trial. He also submitted that the proceedings before the Trial Court are under CCTV surveillance. Therefore, the allegations are wholly unfounded.

8. At this stage the learned counsel for the petitioner seeks permission of this Court to the withdraw the Criminal Original Petition.

9. Recording of the above submissions, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed. However, the Trial Court is directed to retain the CCTV recordings of the evidence of of PW1 and PW2 on 28.11.2025 and keep it separately.

24-06-2026

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



To

1. The Principal District and Sessions Judge,
Tiruvallur

2. The Inspector of Police,
Podhaturpet police station,
Podhaturpet,
Tiruvallur district.
Cr.No.350 of 2018.

3. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

PVS

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