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Crl.R.C. No. 1932 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C. No. 1932 of 2025

&

Crl.M.P. No. 18538 of 2025

The State of Tamil Nadu, rep. by
The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.
(Cr. No. 20 of 2023)

..Petitioner

Vs.

N. Sagadevan

..Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to call for the records relating to the order dated 03.01.2025 in Crl.M.P. No. 214 of 2024 in Spl.S.C. No. 13 of 2024 by the learned Special Court for POCSO Act, Dharmapuri and to set aside the same.

For Petitioner

::

Mr.R. Vinothraja
Govt. Advocate (Crl.Side)



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For Respondent :: Mr.R. John Sathyan
Senior counsel for
Mr. Swami Subramanian

O R D E R

The present revision is filed by the State challenging the order dated 03.01.2025 allowing the discharge petition filed by the respondent herein, who is facing prosecution for the offences under Sections 5(1), 5(a)(4), 6(1) of POCSO Act, 2012 Sections 506(i), 363, 366 of IPC and Sections 67(B)(a) and 67(B)(b) of Information Technology Act, 2000.

2. It is the case of the prosecution that the victim, who was a minor, was married to one Palanisamy; that she had matrimonial dispute with her husband and in-laws; that when she complained to the Police, the respondent, who was working as Special Sub-Inspector of Police, under the guise of conducting enquiry, became friendly with the victim girl and thereafter, committed penetrative sexual assault on 31.08.2022.

3. The respondent sought for discharge before the Trial Court on the ground that in the FIR, which was registered against the victim's husband, in-laws and parents under Sections 5(i), 5(j)(ii), 6(1), 17 of POCSO Act, 2012 and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006, there was no allegation as against the respondent; that the only



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allegation was that he used to talk to the victim girl frequently through whatsapp; that the Police, without registering any separate FIR, has filed final report as against the respondent; that the victim has made inconsistent statements as could be seen from the contents of the FIR and Section 164 Cr.P.C. statement made by her and that the respondent may not be allowed to face the ordeal of trial.

4. The Trial Court found that there are inconsistencies in the statements made by the victim in the FIR and in her subsequent statements. Further, the Trial Court found that no FIR was registered as against the respondent and that contrary to the procedure, two final reports in respect of one FIR had been filed. The Trial Court, by the order impugned, allowed the discharge petition. Aggrieved by the said order, as already stated, the State is before this Court.

5. Learned Government Advocate (Crl.Side) would submit that the ground on which the respondent has been discharged cannot be countenanced; that there is no infirmity in filing two final reports as, during the course of investigation, it came to light that the respondent had committed the aforesaid offences; that non-registration of FIR as against the



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respondent would not be fatal as observed by the Trial Court and since the petitioner has collected materials to substantiate the charge against the respondent, the impugned order has to be set aside.

6. Mr.R. John Sathyan, learned Senior Counsel appearing for the respondent fairly conceded the legal position that the filing of final report against the respondent cannot be faulted only because there was no FIR as against the respondent. He would however submit that, on merits, the prosecution has not produced any material to hold that there is *prima facie* case against the respondent and pointed out to the statements made by the victim in her complaint and in her statement under Section Section 164(5)Cr.P.C. Learned Senior Counsel also submitted that on the date of occurrence, i.e., 31.08.2022, the victim was in a Children's Home and therefore, it would not have been possible for the respondent to commit the offence.

7. In response, learned Government Advocate (Crl.Side) would submit that the alleged occurrence took place on 31.08.2022 and the victim was in the Home from 29.08.2023 to 07.11.2023.



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8. Learned Senior Counsel for the respondent would also submit that even before the Section 164(5) Cr.P.C. statement of the victim was recorded, the Police had recorded the statement of the victim under Section 161 Cr.P.C., and that the same had been suppressed by the prosecution. He would further add that the statement of the victim under Section 164(5) Cr.P.C. would show that the victim wanted to protect her husband, in-laws and parents and therefore, she had falsely implicated the respondent.

9. Heard both sides.

10. It is seen that no separate FIR was registered against the respondent and that the FIR was registered only as against five accused, who are the husband and relatives of the victim. It is also seen that in the said FIR, no allegation had been made as against the respondent in respect of the offence of penetrative sexual assault. However, it is the case of the petitioner that during the course of investigation, they found that the respondent had committed the offence of penetrative sexual assault on the victim and therefore, they had filed the final report. This Court finds no legal infirmity in the said procedure adopted by the petitioner.



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11. On the merits of the case, the points raised by the learned Senior counsel for the respondent are to the effect that the witness/victim cannot be believed and therefore, the respondent ought to be discharged. This Court is of the view that at this stage, the points raised by the respondent cannot be adjudicated. There is prima facie evidence against the respondent. It is well-settled that even a grave suspicion is sufficient to frame a charge. The points raised by the respondent have to be adjudicated by the Trial Court only during trial. Hence, this Court is inclined to set aside the impugned order.

12. Accordingly, the impugned order dated 03.01.2025 is set aside and the revision is allowed. The learned Trial Judge is directed to proceed against the respondent in accordance with law. It is needless to say that the Trial Court shall not be influenced by the observations made by this Court in this order. Connected miscellaneous petition is closed.

26.02.2026

Neutral Citation: Yes/No
nv



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To

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The Special Court for POCSO Act,
Dharmapuri.



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SUNDER MOHAN,J.

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