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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

JUDGMENT RESERVED ON : 29.10.2026

JUDGMENT PRONOUNCED ON : 24.11.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 25850 of 2026

CNR:{HCMA012153632026}

AND CRL MP NO. 17133 OF 2026

Case QR

1. Kamaraj
   S/o Natarajan,
   NO.55, Mariamman Kovil Street,
   Maruthuvampadi Village and Post,
   Chetpet Taluk,
   Tiruvannamalai.

2. Kartheeban
   S/o Subramani,
   No.493, South Street,
   New Colony,
   Gangapuram Village,
   Periyakozhapaloor Post,
   Chetpet Taluk,
   Tiruvannamalai.

..Petitioner(s)

Vs

1. The State Rep By,
   The Inspector of Police,
   AWPS, Polur,
   Thiruvannamalai.

2. Hemalatha
   W/o Manikandan,
   NO.74, Middle Street,
   Nambedu Village,
   Chetpet Taluk,
   Tiruvannamalai.

..Respondent(s)

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PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records in Spl.SC.No.156 of 2022 on the file of Special Judge for POCSO cases at Tiruvannamalai and quash the case against the petitioners.

For Petitioner(s): Mr.B.Damodaran

For Respondent(s): Mr.A.Amarnath
Additional Public Prosecutor for R1

Mr.J.Vinoth for R2

Order

This Criminal Original Petition has been filed seeking to quash the proceedings in Spl.S.C. No.156 of 2022, pending on the file of the learned Special Judge for POCSO Cases, Tiruvannamalai.

2.The case of the prosecution is that the daughter of the de facto complainant/second respondent, aged about four years, was studying in UKG at Sri Santha Vidhyalaya Matriculation Higher Secondary School, Gangaisudamani, Tiruvannamalai District. The first accused is the husband of the Correspondent of the said school, whereas the second accused was working as an Accountant and Transport In-charge of the school. According to the prosecution, while the victim girl was returning to her classroom from the toilet situated on the ground floor of the school, the first accused allegedly lured her by offering chocolates and biscuits and took her to the Physics Laboratory,

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where he subjected her to aggravated penetrative sexual assault and threatened her not to disclose the incident to anyone. Further, on 05.08.2022, at about 1.30 p.m., the second accused, having knowledge of the alleged sexual assault committed by the first accused, allegedly took the victim girl to the same Physics Laboratory and subjected her to penetrative sexual assault. Hence, the complaint. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.13 of 2022 for the offences punishable under Sections 376AB, 366, 342 and 323 of the IPC and Sections 5(m) read with Section 6(1), 21(1) and 5(f) of the POCSO Act, 2012, as against the first accused, and under Sections 376AB, 366 and 342 of the IPC and Sections 5(m) read with Section 6(1), 21(1) and 5(f) of the POCSO Act, 2012, as against the second accused. Upon completion of the investigation, the first respondent filed the final report, which was taken cognizance of by the learned Special Judge for POCSO Cases, Tiruvannamalai, in Spl.S.C. No.156 of 2022.

3.The learned counsel for the petitioners submitted that the petitioners are arrayed as A1 and A2. According to the prosecution, the first occurrence allegedly took place on 29.07.2022 at about 2.00 p.m., involving the first accused, and the second occurrence took place on 05.08.2022 at about 1.30 p.m. However, the complaint was lodged only on 27.08.2022, and there is no satisfactory explanation for the delay in lodging the same. The learned counsel further submitted that the first accused was working as a B.T. Assistant at

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Vegampattu Government High School on the alleged date of the first occurrence, namely, 29.07.2022. He had attended the said school from 9.20 a.m. to 12.20 p.m. and again from 1.00 p.m. to 4.20 p.m., during which period he had taken Mathematics classes for students of Standards VII to X. Therefore, according to the learned counsel, the first accused could not have been present at the scene of occurrence as alleged by the prosecution. It was further submitted that, after registration of the FIR, the statement of the defacto complainant was recorded on 27.08.2022, wherein she did not stated about the second accused. Only based on her further statement dated 02.09.2022, the second accused was implicated in the case.

4.The learned counsel also submitted that, according to the prosecution, the victim girl had informed the de facto complainant on 29.07.2022 itself that she was experiencing pain in her private parts. However, she was taken to Srinivasa Polyclinic on 31.07.2022 and thereafter to Renuka Clinic, Polur, on 01.08.2022 for treatment. Subsequently, on 05.08.2022, the victim girl attended school and, after returning home, again complained of pain in her private parts. She was thereafter taken to CMC Hospital, Vellore, on 10.08.2022, where the doctor suspected sexual abuse and forwarded a medico-legal case incident report to the first respondent. Even at that stage, the de facto complainant did not disclose the names of the accused. It was further contended that the CCTV footage relating to the school premises for 29.07.2022 and 05.08.2022 was

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secured by the Investigating Officer, and the hard disk containing the footage was forwarded to the Forensic Sciences Laboratory, Chennai. However, no incident as alleged by the prosecution was captured in the CCTV footage. The learned counsel submitted that the trial Court had also viewed the CCTV footage in the presence of the counsel for the accused and found that the accused could not be identified in connection with the alleged occurrences on 29.07.2022 and 05.08.2022.

5.The learned counsel further submitted that the report received from the Forensic Sciences Laboratory revealed that the 36,392 video clips pertaining to the period from 27.07.2022 to 06.08.2022 had not been fabricated or edited. Therefore, the CCTV footage, which forms part of the charge sheet and constitutes material collected during the course of investigation, is of unimpeachable provenance and reliability. It does not depict the accused participating in any overt act as alleged by the prosecution. In support of the said contention, the learned counsel relied upon the judgment of the Hon'ble Supreme Court in ***Sajal Bose v. State of West Bengal and Others***, reported in ***2026 SCC OnLine SC 525***, wherein the Hon'ble Supreme Court, in paragraph No.33, held as follows:

> *"33. Applying the aforesaid ratio in the case at hand, we find that the material relied upon by the appellants in the present case, particularly the CCTV footage forming part of*

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the Charge Sheet is of unimpeachable provenance and reliability, having been collected during investigation and forming part of prosecutions own record. The footage, which was relied upon by both sides during the course of arguments, upon careful scrutiny, does not depict the appellants participating in any act of assault or overt aggression, thereby substantially dislodging the factual foundations against them. The said material stands unrefuted in any meaningful manner and is of such character that it cannot be lightly brushed aside even at the stage when the Court is considering a prayer for quashing the proceedings of the criminal case at its inception."

6.The learned Additional Public Prosecutor appearing for the first respondent submitted that the delay in lodging complaint in cases involving sexual offences cannot be a ground for quashing the case. Further, the grounds raised by the petitioner involves disputed question of facts which cannot be adjudicated at this stage. Therefore, he prayed to dismiss this petition.

7.Heard the learned counsel appearing on either side and perused the materials available on record.

8.On perusal of the records, this Court finds that the principles laid down by the Hon'ble Supreme Court in the judgment cited supra are relevant to the facts of the present case, particularly with regard to the evidentiary value of

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CCTV footage forming part of the prosecution records. The CCTV footage relating to the dates of the alleged occurrences assumes considerable significance, as it was collected during the investigation and subjected to forensic examination. The forensic report indicates that the video clips were not fabricated or edited. Therefore, the said material cannot be brushed aside merely because it is sought to be relied upon by the petitioners. At the same time, its evidentiary significance has to be assessed with reference to the precise coverage of the cameras and the locations and timings of the alleged occurrences. It is seen that the victim girl was initially taken to a private hospital on 31.07.2022 and again on 01.08.2022. Thereafter, she was taken to CMC Hospital, Vellore, on 10.08.2022. Though the hospital authorities had forwarded information regarding the victim girl to the first respondent, the complaint was lodged only on 27.08.2022, nearly 22 days after the alleged second occurrence. Further, in respect of the alleged first occurrence dated 29.07.2022, no complaint was lodged immediately thereafter. Though delay in lodging a complaint in cases involving sexual offences against children cannot, by itself, be treated as fatal to the prosecution, the circumstances surrounding such delay assume relevance when considered along with the other materials available on record.

9.It is also significant to note that the second accused was not named in the original statement of the de facto complainant recorded on 27.08.2022 and was implicated only in her further statement dated 02.09.2022. This subsequent

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implication, when considered along with the other circumstances surrounding the case, requires careful scrutiny. With regard to the medical evidence, it is seen that the doctor who examined the victim girl suspected sexual abuse and noted the presence of an infection. However, the prosecution has not produced the relevant clinical records or test reports to substantiate the medical findings and the nature of the alleged infection. Further, the medical examination report of the petitioners dated 19.08.2022 does not disclose evidence of a sexually transmitted disease. Though the absence of physical injuries or a particular medical finding cannot, by itself, rule out sexual assault, the medical materials placed before this Court do not independently establish the involvement of the petitioners in the alleged occurrences.

10.Further, the victim girl was only four years old at the time of the alleged occurrences. The prosecution alleges that the first occurrence took place on 29.07.2022 at about 2.00 p.m. However, the victim girl continued to attend school thereafter, including on the subsequent days. Similarly, even after the alleged second occurrence dated 05.08.2022, she continued to attend school. Though this circumstance cannot be treated as a ground to disbelieve the allegation of sexual assault, it may be considered along with the other materials available on record. This Court further finds that the prosecution has not examined any of the classmates, teachers or other staff members of the school to corroborate the allegation that the victim girl was taken to the Physics

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Laboratory on the alleged dates. Further, the doctors who allegedly treated the victim girl at Srinivasa Polyclinic on 31.07.2022 and Renuka Clinic, Polur, on 01.08.2022, have not been examined, nor have the relevant medical records been produced before the Court. The prosecution has primarily relied upon the medico-legal case incident report issued by CMC Hospital, Vellore, dated 10.08.2022. The most significant circumstance in the present case is the CCTV footage forming part of the prosecution's own records. The said footage was collected during the investigation and subjected to forensic examination. The forensic report indicates that the video clips were not fabricated or edited. Further, as submitted by the learned counsel for the petitioners, the trial Court had also viewed the footage and found that the petitioners could not be identified in connection with the alleged occurrences. If the CCTV footage covers the relevant locations and the entire period during which the alleged occurrences are stated to have taken place, its failure to disclose the presence or involvement of the petitioners assumes considerable evidentiary significance. Such material, forming part of the prosecution's own records, cannot be ignored while considering the sustainability of the prosecution case.

11.This Court is conscious of the fact that cases involving allegations of sexual offences against children require utmost care and sensitivity. The statement of a child victim has to be appreciated in the light of the statutory framework and the settled principles governing the evaluation of evidence in

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such cases. At the same time, the Court cannot overlook material collected by the prosecution itself, particularly when such material is stated to be authentic, unaltered and capable of substantially dislodging the factual foundation of the allegations.

12.In the present case, the cumulative effect of the circumstances, namely, the delay in lodging the complaint, the subsequent implication of the second accused, the absence of independent corroboration from the school authorities, the non-production of relevant medical records and, more particularly, the CCTV footage forming part of the prosecution's own records, raises serious questions regarding the involvement of the petitioners in the alleged occurrences.

13.Though, this Court is not inclined to quash the proceedings merely on the ground of delay in lodging the complaint or the absence of medical corroboration. However, when the prosecution's own records contain CCTV footage, duly subjected to forensic examination, which is stated to be inconsistent with the prosecution's version regarding the presence and involvement of the petitioners, the same assumes decisive significance. Applying the principles laid down by the Hon'ble Supreme Court in ***Sajal Bose v. State of West Bengal and Others***, this Court is of the considered view that, subject to the footage covering the relevant locations and timings, the material

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available on record substantially dislodges the factual foundation of the prosecution case against the petitioners. In such circumstances, permitting the prosecution to continue would amount to an abuse of the process of law. Therefore, this Court is inclined to exercise its inherent jurisdiction to secure the ends of justice.

14.Accordingly, this Criminal Original Petition is allowed. The proceedings in Spl.S.C. No.156 of 2022, pending on the file of the learned Special Judge for POCSO Cases, Tiruvannamalai, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

24-11-2026

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

AH

To

1.The Special Judge for POCSO Cases,
Tiruvannamalai.

2.The Inspector of Police,
AWPS, Polur,
Thiruvannamalai.

3.The Public Prosecutor,
High Court, Madras.

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G.K.ILANTHIRAIYAN J.

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PRE-DELIVERY ORDER
IN
CRL OP No. 25850 of 2026
AND
CRL MP NO. 17133 OF 2026

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