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Crl.R.C.No.2030 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2030 of 2025
& Crl.M.P.Nos.19111 & 19112 of 2025

Naveen

...Petitioner

-Vs-

State by Inspector of Police,
All Women Police Station,
J-4, Kotturpuram,
Chennai.
(Cr.No.2/2025)

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 r/w 442 of BNSS, to call for the records relating to the order passed in Crl.M.P.No.955 of 2025 in Spl.S.C.No.154 of 2025 on the file of the Hon'ble Court of Special Judge for Exclusive Trial of cases under POCSO Act at Chennai I, and set aside the order.

For Petitioner : Mr.V.Sivalingam
For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)

ORDER

The Revision challenges the dismissal of the discharge petition filed by the petitioner before the trial Court.



Crl.R.C.No.2030 of 2025

WEB COPY

2.The prosecution case is that A1 and A2 are husband and wife respectively; that they took obscene pictures of their own daughter; that A1 committed penetrative sexual assault as against three listed witnesses; that A2 took video of the same and sent them to A3 and collected money from A3; that A4, the petitioner herein, had introduced A3 to the first and second accused and informed them that A3 would pay money, if they sent obscene video to A3; that the other accused were charged for the offences under Sections 5(l), (m), (n) r/w 6, 11(1), 12, 14(1), (2), 15(2)(3) of POCSO Act & 67 (B), (A) (b) 66(E) of IT Act and the petitioner was charged for the offences under Section 17, 5(l), (m), (n) r/w 6, 11(1), 12, 14(1), (2), 15(2)(3) of POCSO Act and Section 67 B(c)(b) of ITAct .

3.The petitioner sought for discharge before the trial Court on the ground that the petitioner had nothing to do with the alleged offence; that the only material relied upon by the prosecution to show that the petitioner had introduced A3 to the other accused is the confession of the co-accused; and in the absence of any other material, the petitioner cannot be subjected to the ordeal of trial.



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4.The learned Judge dismissed the said petition on the ground that the confession of the co-accused reveals the involvement of the petitioner and hence, the petitioner cannot be discharged at this stage.

5.The learned counsel for the petitioner would submit that the petitioner was arrested on the confession of A2 and in the absence of any other material to connect the petitioner with the alleged occurrence, he cannot be subjected to trial and prayed for discharge.

6.The learned Government Advocate (Crl. Side) would fairly submit that the only evidence relied upon by the respondent is the confession of the co-accused and that though phone was seized from the petitioner, nothing incriminating was found in his mobile phone. The counter of the respondent also would confirm that the petitioner has been implicated only on the confession of A2.

7.On the perusal of the final report, the impugned order and the counter filed by the respondent, it is seen that the allegation against the petitioner is that he had introduced A3 to A1 and A2, who in turn sent



Crl.R.C.No.2030 of 2025

obscene pictures to A3 and collected huge sums of money from A3. Though the prosecution had examined 32 witnesses and filed 92 documents, it is seen that the petitioner has been implicated only on the confession of the co-accused. The prosecution has not produced any other material as against the petitioner. Even according to the learned Government Advocate (Crl. Side), the phone seized from the petitioner did not contain any incriminating materials to suggest the involvement of the petitioner in the alleged crime.

8.In the absence of any *prima facie* case and material to proceed against the petitioner, this Court is of the view that the trial Court ought to have discharged the petitioner. Hence, the impugned order is set aside and the petitioner is discharged from Spl.S.C.No.154 of 2025 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

9.Accordingly, the Revision is allowed. Consequently, the connected miscellaneous petitions are closed.

23.01.2026

Tsg



Crl.R.C.No.2030 of 2025

To

- 1.The Special Judge for Exclusive Trial of cases
under POCSO Act at Chennai I.
- 2.All Women Police Station,
J-4, Kottupuram,
Chennai.
- 3.The Public Prosecutor,
Madras High Court.



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Crl.R.C.No.2030 of 2025

SUNDER MOHAN, J.

Tsg

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