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Crl.R.C.No.2063 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2063 of 2025

and Crl.M.P.No.19346 of 2025

P.Sudhakar

... Petitioner

Vs.

1. State represented by
Inspector of Police,
The Special Investigation Team
All Women Police Station,
Egmore, Chennai.
Crime No.33 of 2024

2. Sumathi

... Respondents

(R2 is impleaded as per the order of this Court dated 16.12.2025 in Crl.M.P.No.24001 of 2025 in Crl.R.C.No.2063 of 2025)

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 30.07.2025 made in Crl.M.P.No.745 of 2025 in Spl.SC.No.27 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and allow the above Criminal Revision Petition.



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For Petitioner : Mr.R.Thamarai selvan
for Mr.S.Kamalesh
For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)
For R2 : Dr.R.Sampath Kumar

ORDER

The petitioner challenges the dismissal of his discharge petition by an order dated 30.07.2025 passed in Crl.M.P.No.745 of 2025 in Spl.SC.No.27 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. The petitioner is facing prosecution for the offences under Section 22(3) of the Protection of Children from Sexual Offences Act, 2012 (*hereinafter referred to as POCSO Act*) and Section 351(3) BNS.

2. The gist of the allegation in the final report against the petitioner / 2nd Accused is that the petitioner belongs to a political party; that he was aware that the 1st accused was involved in the alleged offences committed under the POCSO Act against a victim girl; that in order to safeguard the 1st accused, he misled the police by making a false allegation



against an innocent boy by name Mukesh, who was a juvenile and happens to be a relative of the victim's mother; that on the basis of the said false allegation, the 3rd accused, who was investigating the case forced the victim girl to make a false statement implicating the said boy and the petitioner further criminally intimidated the *defacto* complainant not to proceed against the 1st accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner sought for discharge before the Trial Court on the ground that the allegations against him would not attract the offences alleged; that the petitioner only stated before the police that the 1st accused was innocent and that the said statement would not amount to making a false accusation; that the allegation would also not attract the offence of criminal intimidation and therefore, the impugned order of the learned Sessions Judge is liable to be set aside.

4. The learned Government Advocate (Crl. Side), *per contra*, would submit that the case was originally investigated by the 3rd accused; that the 3rd accused forced the victim girl to give a false statement that the



offence was committed by one Mukesh who was a juvenile, as a result of which, the said Mukesh was made an accused; that thereafter the investigation was transferred to the CBI by the Hon'ble Division Bench of this Court, in HCP.No.2408 and 2334 of 2024; that the State challenged the said order before the Honb'le Supreme Court; that the Honb'le Supreme Court had stayed the direction to transfer the investigation to the CBI and entrusted the investigation to a Special Investigation Team (hereinafter referred to as SIT), which had filed the impugned final report accusing the petitioner of the offences alleged against him; and that there is no infirmity in the impugned order and prayed for dismissal of the discharge petition.

5. The learned counsel appearing for the *de facto* complainant reiterated the submissions made before the learned Sessions Judge and would submit that the case has a chequered history and in the light of the orders passed by the Hon'ble Division Bench of this Court, the Hon'ble Supreme Court and the materials available on record, the learned Sessions Judge was justified in dismissing the discharge petition and it was only at the instance of the petitioner that the 3rd accused had changed the course of investigation and shielded the actual offender.



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6. The allegation as stated above against the petitioner is that he appeared before the Investigating Officer, namely 3rd accused and asserted that the 1st accused is innocent and that the offence was committed by one Mukesh, who was a juvenile and a relative of the victim's mother. It is also the prosecution case that at the instance of the petitioner the 3rd accused had forced the victim girl to make a false statement against the said Mukesh. The Division Bench of this Court in H.C.P.No.2408 and 2334 of 2024, which was taken up *suo motu* found that the investigation was not done fairly and had directed the transfer of investigation to the CBI. The State had filed a Special Leave Petition before the Hon'ble Supreme Court in S.L.P(Crl.).No.15332 to 15333 of 2024 challenging the direction issued to the State to transfer the investigation to the CBI. The Honb'le Supreme Court while modifying the direction to entrust the investigation to the CBI appointed a SIT to investigate the allegations in F.I.R.No.33 of 2024. The SIT had filed the final report accusing the petitioner of the offenses under Section 22(3) of the POCSO Act and 351 (3) of BNSS. In the final report, the SIT has specifically stated that the petitioner had made a false accusation against the juvenile accused in this case, which led the 3rd accused to



change the course of the investigation and shield the actual offender. The statement of the witnesses and the material filed by the SIT confirm the accusation against the petitioner.

7. The allegations in the final report therefore *prima facie* attract the offences charged against the petitioner. The point raised by the petitioner that the petitioner had not made any false allegation and had only gone to the police station in support of the 1st accused cannot be adjudicated in this discharge petition. The trial Court therefore was justified in rejecting the request of the petitioner and in finding that there is a *prima facie* case made out against the petitioner to proceed further in accordance with law.

8. Therefore, this Court finds no infirmity in the impugned order dated 30.07.2025 passed by the learned Sessions Judge in Crl.M.P.No.745 of 2025. Hence, this Criminal Revision Case is dismissed. The trial Court shall proceed with the trial against all the accused as expeditiously as possible. Consequently, connected Criminal Miscellaneous Petition is closed.



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Index : Yes/No

Speaking Order/Non Speaking Order

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SUNDER MOHAN, J.

Mac

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2. The Inspector of Police,

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The Special Investigation Team
All Women Police Station,
Egmore, Chennai.

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3. The Public Prosecutor,
High Court, Madras.

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