



Crl.O.P(MD).No.2576 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.01.2026

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THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CRL OP(MD). No.2576 of 2024
and Crl.M.P(MD).Nos.1980 and 1981 of 2024

A.Arulselvan

... Petitioner

Vs

1.State of Tamil Nadu
The Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.
Crime No.04 of 2023

2.Amirtha Sipiya

... Respondents

PRAYER :-Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the charge sheet in Spl.C.C.No.159 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and quash the same as against the petitioner concerned.

For Petitioner	: Mr.A.Sankarasubramanian
For R1	: Mr.M.Sakthikumar Government Advocate (crl.side)
For R2	: No appearance



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ORDER

Seeking quashment of the final report in Spl.C.C.No.159 of 2023 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that the petitioner is the sole accused in the aforesaid pending case before the trial Court. A glance of the final report itself would reveal that offences under Sections 7, 8 and 12 of Protection of Child from Sexual Offences Act, 2012, will not be made out. He also drew my attention to the statement of the victim given before the Enquiry Officer as well as her statement obtained by the first respondent police. He pointed out that there is a material contradiction between the statement given before the first respondent police and the statement given to the Enquiry Officer and on that premise, he sought for quashment of the final report.

3.However, the learned Government Advocate (crl.side) categorically contended that offences are clearly made out and sought for



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dismissal of this petition.

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4.Heard the learned counsel on either side and carefully perused the materials available on record.

5.Considering the submissions made, I have carefully gone through the statement of the victim given to the respondent police and also her statement given before the Enquiry Officer, where I do not find any great difference as to the conduct of the Teacher, who had indulged in abusing the child /student. Accordingly, this Criminal Original Petition is dismissed. However, the personal appearance of the petitioner before the learned Trial Court is ordered to be dispensed with, on conditions that he shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, and at the time of passing judgment and on all the hearings, specifically directed by the learned Trial Court.

6.The petitioner shall appear before the Court in the event his presence is insisted by the learned Trial Judge for the purpose of



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identification. If the petitioner adopts any dilatory tactics, it is open to the learned Trial Court to insist for his appearance and deal with the petitioner in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of *State of UP vs. Shambunath Singh*¹. Accordingly, Crl.M.P(MD).No.1981 of 2024 is ordered. Consequently, connected Crl.M.P(MD).No.1980 of 2024 is closed.

29.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Rmk

To

- 1.The Sessions Judge, Special Court for
POCSO Act Cases, Tirunelveli.
- 2.The Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

¹ 2001 (4) SCC 667



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L.VICTORIA GOWRI,J

Rmk

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Date : 29/01/2026