



Crl OP(MD).No.8629 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.06.2026**

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**Crl. OP(MD).No.8629 of 2025
and Crl.MP(MD).No.9297 of 2026**

Ponnivalavan

....Petitioner/Sole Accused

Vs

1.State of Tamil Nadu Rep.by
The Inspector of Police
All Women Police Station
Tirunelveli Town
Tirunelveli District
Crime No.04/2026

....Respondent/Complainant

2.Lakshmi Karthika

....Respondent/Defacto Complainant

Prayer: This petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records in FIR in Crime No.04 of 2026 on the file of the first respondent and quash the FIR.

For Petitioner

: Mr.R.Ilayaraja

For Respondents

:Mr.P.Samuel Gunasingh
Counsel for State of Tamil Nadu (Crl.Side)
for R1



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ORDER

The present petition has been filed by the sole accused in Crime No.4 of 2026 on the file of the first respondent police seeking to quash the F.I.R wherein he is alleged to have committed the offences under Sections 9(m), 9(n), 10, 7 and 8 of the Protection of Children From Sexual Offences Act, 2012 and Section 296(b) and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2.A perusal of the record reveals that the defacto complainant is the wife of the accused person. Based upon her complaint, the present F.I.R has been registered.

3.The statement under Section 164 Cr.P.C of the victim girl was recorded by the Judicial Magistrate, Tirunelveli on 09.04.2026. In the said statement, the victim girl had stated that her father has not misbehaved with her. Only the police officials had compelled her mother to give such a statement.

4.The defacto complainant/mother had filed an affidavit before this Court. Paragraph No.3 of the affidavit is extracted as follows:

“3.I submit that, after some months, petitioner herein started quarrelled me under the influence of alcohol on few



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occasions. I submit that, aggrieved over his conduct, I approached the 1st respondent herein seeking action against the petitioner on 10.03.2026. I submit that, the 1st respondent upon receipt of my oral complaint, had registered the FIR in Crime No.04/2026 R/s.9(m), 9(n), 10, 7 & 8 of POCSO Act, 2012 r/w 296(b) and 351(2) of BNS, 2023 (corresponding offences 294(b) and 506(2) of IPC). I submit that, it was when the 1st respondent had handed me the copy of the written complaint seeking my signature, I was made aware that the facts stated in the written complaint are completely different from the allegations made by me. I submit that, upon knowing the contents of the FIR, I raised my objections to the facts and requested the 1st respondent to call the petitioner, warn him and to advise him to lead the matrimonial life peacefully and to quit the drinking habit. However, to my utter shock, 1st respondent instead of accepting my request, had threatened me and made me write a false complaint alleging sexual assault by petitioner herein upon the minor victim, to portray as if the FIR in Crime No.04 of 2026 was registered as per the written complaint made by me. I submit that, I was pushed to a mental state due to the threat meted out by the 1st respondent and had written a complaint with false allegations against my husband, petitioner herein as dictated by the Inspector of Police Attached to the 1st respondent herein. I submit that upon knowing that I am member of BC community and my husband belonged to Scheduled Community and that our marriage was an inter-caste marriage, the 1st respondent had decided to frame my husband



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in a false case. I submit that, since the allegations stated in the FIR are false, I deny the entire allegation and wish to lead a happy life with the petitioner again.”

5.A combined reading of the statement of the victim girl recorded under Section 164 Cr.P.C by the Judicial Magistrate and the affidavit filed by the defacto complainant/mother would clearly reveal that a false case has been foisted as against the petitioner herein. When the mother had approached the police officials for registering the F.I.R as against her husband for beating her in a drunken mood, the police official seems to have got a written complaint from the mother alleging sexual harassment by the accused person as against her own daughter.

6.In the light of the statement recorded under Section 164 Cr.P.C and in the light of the affidavit filed by the defacto complainant, this Court is of the considered opinion that the F.I.R could be quashed on the ground that a false case has been foisted as against the petitioner.

7.It is brought to the notice of the Court that the charge sheet has been laid before the POCSO Court, Tirunelveli and it was taken on file in Spl.S.C.No.96 of 2026.



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8. In view of the said facts, the charge sheet in Spl.S.C.No.96 of 2026 on the file of the POCSO Court, Tirunelveli arising out of Crime NO.04 of 2026 on the file of the first respondent police stands quashed. This Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

02.06.2026.

Internet : Yes/No

Index : Yes/No

NCC : Yes/No

msa

Note: Issue order copy today (02.06.2026)

To

1. The Special Court for Exclusive Trial of Cases
under POCSO Act, Tirunelveli

2. The Inspector of Police
All Women Police Station
Tirunelveli Town
Tirunelveli District
Crime No.04/2026

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

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