



CrI.O.P(MD)No.648 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P(MD)No.648 of 2026

and

CrI.M.P(MD)Nos.667 & 668 of 2026

Benil

... Petitioner/Sole Accused

Vs.

1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
All Women Police Station,
Kanniyakumari.
(Crime No.19/2021)

... Respondent/Complainant

2.xxxxxx

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the Spl.S.C.No.7 of 2022 in Crime No.19 of 2021 on the file of the Mahila Court / Spl. Court for POCSO Act, Nagercoil and quash the same.

For Petitioner : Mr.J.Balameenakshi

For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



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ORDER

Seeking to quashment of Spl.S.C.No.7 of 2022 in Crime No.19 of 2021 on the file of the Mahila Court / Spl. Court for POCSO Act, Nagercoil, this criminal original petition is filed.

2. The petitioner is the sole accused in the said case and the *defacto* complainant is the sister-in-law of the petitioner. An FIR in Crime No.19 of 2021 came to be registered as against the petitioner which culminated in laying charge sheet in Spl.S.C.No.7 of 2022 on the file of the Mahila Court / Spl. Court for POCSO Act, Nagercoil, for the offences under Sections 366, 506(1) & 343 of IPC and Sections 5(n), 5(l) & 6(1) of Prohibition of Child from Sexual Offences Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006. The learned counsel for the petitioner submitted that the petitioner and the *defacto* complainant are relatives and the entire prosecution narrative is false which had emanated from a family dispute between the respective families of the petitioner and the *defacto* complainant.

3. Per contra, the learned Government Advocate (Crl.Side) submitted that earlier the victim child who is of 16 years old was facing



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certain family problems in her family because of her love affair with a stranger boy. In this regard, the petitioner being a relative had ensured the safety of the victim child and had taken her along with him to Chennai where he had indulged in multiple penetrative sexual assault with the petitioner. Following which, FIR in Crime No.19 of 2021 came to be registered, which has culminated in laying a charge sheet before the learned trial Court and the same has been taken cognizance and sought for dismissal of this criminal original petition.

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

5. This Court is not inclined to interfere with any POCSO case. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

12.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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To

- 1.The Mahila Court / Spl. Court for POCSO Act,
Nagercoil.
- 2.The Inspector of Police,
All Women Police Station,
Kanniyakumari.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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