



Crl.OP(MD)No.16736 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 30.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.16736 of 2024

and

Crl.M.P.(MD)Nos.10502 and 10504 of 2024

S.Rajadurai Lingam

... Petitioner/Accused No.

Vs.

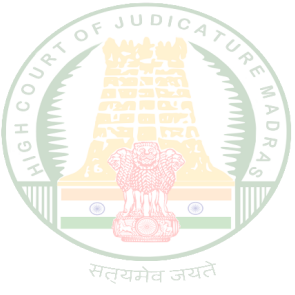
1. The State of Tamil Nadu,
Rep . by the Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District.
Crime No.1/2024

.... Respondents / Complainant

2. Johny Jasmine

... Respondent /
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in Spl.C.C.No. 151/2024 on the file of the learned Special Court for POCSO Act Cases, Tirunelveli district and quash the same as against the petitioner.



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For Petitioner : Mr.R.Anand

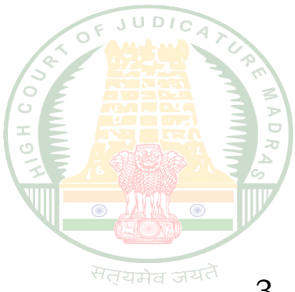
For R-1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

For R-2 : Mr.J.Ashok

ORDER

The inherent jurisdiction of this Court preserved under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, inhering from the well-established principles governing Section 482 Cr.P.C., 1973, exists not as a routine appellate correctional power, but as a constitutional safeguard against abuse of criminal process and to secure the ends of justice.

2. While prosecutions under the Protection of Children from Sexual Offences Act, 2012, are ordinarily to be approached with utmost sensitivity and circumspection, the gravity attached to allegations under the statute cannot eclipse the equally compelling duty of constitutional Courts to prevent misuse of penal law where the materials, even taken at face value, do not disclose the ingredients of the alleged offences.



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3. Courts are indeed slow in exercising quash jurisdiction in prosecutions under special statutes involving child protection. Yet, where the criminal process itself appears to have been triggered upon exaggeration of a trivial episode, or where the victim herself disowns the substratum of accusation, continuance of prosecution would itself amount to injustice.

4. It is in the aforesaid legal background that the present petition seeking quashment of proceedings in Spl.C.C.No.151 of 2024 falls for consideration.

5. The petitioner is the sole accused in Spl.C.C.No.151 of 2024 pending on the file of the learned Special Court for POCSO Act Cases, Tirunelveli, for offences under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 506(i) IPC.

Case of the prosecution:

6. The prosecution case, as unfolded in the complaint and final report, is that the victim girl, then a student of VII Standard in



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VENKATESHWARAPURAM VILLAGE COMMITTEE HIGHER SECONDARY SCHOOL,
allegedly disclosed to her mother on 04.01.2024 that on 12.12.2023,
when she had gone to the staff room, the petitioner, then serving as
Tamil Teacher in the school, allegedly subjected her to “bad touch”
and threatened her with academic consequences if she disclosed the
incident.

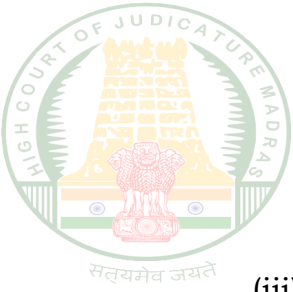
7. On the basis of the complaint lodged by the second
respondent/de-facto complainant, Crime No.1 of 2024 was
registered, investigation was undertaken, final report was filed and
cognizance was taken in Spl.C.C.No.151 of 2024.

Grounds for quash:

8. The petitioner seeks quashment principally on the following
grounds:

(i) that the prosecution is actuated by mala fides and
institutional vendetta arising from service-related disputes
concerning promotion;

(ii) that the present prosecution is a sequel to an earlier
allegedly engineered criminal case already quashed by this Court;



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(iii) that multiple inconsistencies exist between the complaint, Section 161 Cr.P.C. statement and Section 164 Cr.P.C. statement of the prosecutrix;

(iv) that the complaint is inherently improbable and bears the imprint of exaggeration and tutoring;

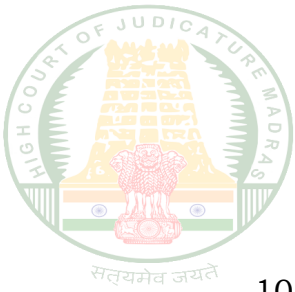
(v) that the ingredients of Sections 7 and 8 of POCSO Act and Section 506(i) IPC are not made out even *prima facie*;

(vi) that the prosecution falls within the parameters of malicious prosecution illustratively recognized in ***State of Haryana v. Bhajan Lal***¹.

Submissions on either side:

9. The learned counsel for the petitioner submitted that the petitioner, a school teacher, has been victimised owing to internal management hostility arising out of service matters. It was contended that the present complaint is the second in a chain of motivated prosecutions, the earlier case having already been quashed by this Court after finding absence of substance.

¹ 1992 Supp(1) SCC 335



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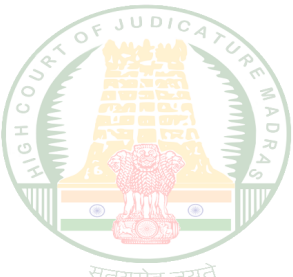
10. Placing reliance on ***State of Haryana v. Bhajan Lal***² and ***Mahmood Ali and others v. State of U.P. and others***³, it was argued that this Court, while exercising quash jurisdiction, is not confined merely to a formal reading of allegations, but can look into attendant circumstances to discern abuse of process. The learned counsel would submit that the alleged act, even taken at its highest, is a product of exaggeration of a classroom disciplinary episode and does not satisfy the legal ingredients of “sexual intent”, which is the gravamen of the offence under Section 7 POCSO Act, 2012.

11. The learned Government Advocate appearing for the first respondent submitted that a charge sheet has been laid after investigation and ordinarily disputed factual matters ought to be left to trial.

12. The learned counsel appearing for the second respondent, however, submitted, consistent with the statements made before this Court, that the complaint arose out of misunderstanding generated in the context of the petitioner scolding the child and that neither the

² 1992 Supp(1) SCC 335

³ 2023 LiveLaw (SC) 613



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de-facto complainant nor the child desired continuation of prosecution.

Point for consideration:

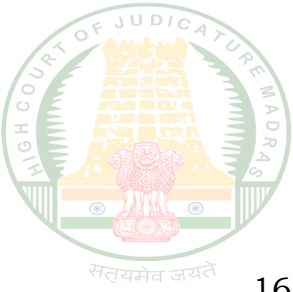
13. The point that arises for consideration is whether the continuation of prosecution in Spl.C.C.No.151 of 2024 would amount to abuse of process warranting exercise of inherent jurisdiction under Section 528 BNSS?

14. The principles governing quash jurisdiction stand authoritatively settled in ***State of Haryana v. Bhajan Lal***⁴, particularly the category dealing with proceedings manifestly attended with mala fides.

15. Equally, in ***Mahmood Ali and others v. State of U.P. and others***⁵, the Hon'ble Supreme Court reiterated that in cases alleging malicious prosecution, Courts may look beyond drafting artifices in the complaint and examine attendant circumstances.

⁴ 1992 Supp(1) SCC 335

⁵ 2023 LiveLaw (SC) 613



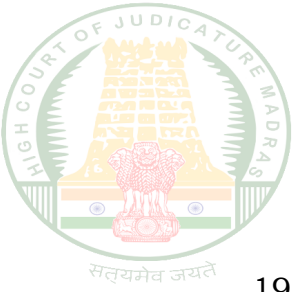
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16. It is also trite that in offences under Section 7 POCSO, 2012, sexual intent is not incidental but foundational. In the absence of *prima facie* material disclosing such intent, the penal provision cannot be mechanically attracted.

17. Section 7 of the POCSO Act, 2012, contemplates sexual assault involving physical contact with sexual intent. "Sexual intent" is thus the indispensable *mens rea*. In the case on hand, the material before this Court does not disclose *prima facie* any act bearing sexual overtone. On the contrary, the victim herself, upon interaction with this Court, categorically disowned any allegation of sexual abuse.

18. This Court interacted with the child victim in camera. She was conscious, coherent, capable of understanding questions and unequivocally stated that she had not been subjected to sexual abuse by the petitioner. Once the very alleged victim displaces the prosecutorial foundation, continuance of prosecution under Sections 7 and 8 of POCSO Act, 2012, would be wholly artificial.



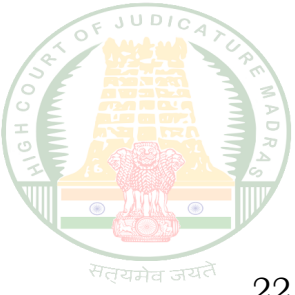
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19. The allegation of intimidation is equally unsustainable. The supposed statement that the child may not be permitted to write examinations, even as alleged, emerges in the setting of classroom discipline and lacks ingredients of criminal intimidation under Section 506(i) IPC. Mere disciplinary admonition or academic warning cannot be elevated into criminal intimidation absent real threat contemplated by penal law.

20. Of considerable significance is the stand of both the *de-facto* complainant and victim before this Court that the complaint arose out of misunderstanding following scolding by the teacher. Though quashment in serious offences is not founded merely on compromise or no-objection, where the very factual substratum disappears, continuation of prosecution becomes oppressive.

21. This Court finds merit in invoking the principle embodied in Section 95 IPC that trivial acts causing slight harm beyond the threshold of criminal law do not warrant prosecution. Corrective classroom discipline, absent anything more, cannot be criminalised under a stringent child protection statute.



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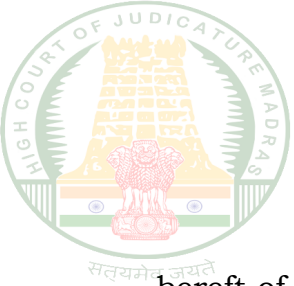
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22. The surrounding circumstances, including the antecedent litigation, prior quashed prosecution, and present recantation by the victim, lend weight to the petitioner's plea that the present prosecution is an abuse of process.

23. Criminal law cannot be permitted to become an instrument to convert pedagogic correction into sexual crime. This Court is therefore satisfied that the present matter falls within the well-recognised parameters warranting exercise of inherent jurisdiction.

24. Allegations under the POCSO Act, 2012, deserve utmost seriousness; false or exaggerated invocation of its provisions, however, equally undermines the sanctity of the statute meant for genuine victims. A teacher discharging legitimate disciplinary functions cannot be exposed to criminal prosecution upon exaggerated or misconceived allegations, for such misuse has the potential to corrode educational institutions themselves.

25. This Court is conscious that child protection laws are to shield the vulnerable, not to punish ordinary human interactions



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bereft of criminality. Where prosecution rests not upon a real offence but upon misunderstanding amplified into accusation, judicial intervention is not merely permissible but imperative.

26. In the result, this Criminal Original Petition is allowed. The proceedings in Spl.C.C.No.151 of 2024 on the file of the learned Special Court for POCSO Act Cases, Tirunelveli District, are hereby quashed. Consequently, connected Criminal Miscellaneous Petitions are closed.

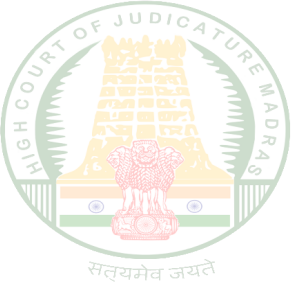
30.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

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

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L.VICTORIA GOWRI, J.

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