



Crl.OP(MD)No.3924 of 2026 etc.,

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**RESERVED ON : 27.02.2026**

**PRONOUNCED ON : 01.06.2026**

**CORAM**

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

**Crl.O.P.(MD).Nos.3924, 3628, 3769 of 2026 and 21788 of 2025**

**and**

**Crl.M.P.(MD)Nos.4192, 4195, 3900, 3902, 4042 & 4044 of 2026,  
18703 and 18705 of 2025**

**Crl.O.P.(MD)No.3924 of 2026**

Mikavel

... Petitioner/Accused

**Vs.**

1. The State of Tamilnadu  
Rep. by, the Inspector of Police,  
Thiruchendur AWPS – Police Station,  
Thoothukudi District.  
Crime No. 25/2025

.... Respondent / Complainant

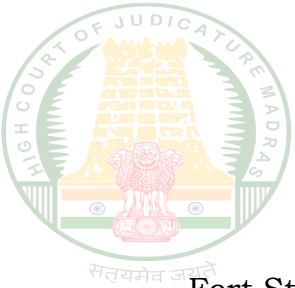
2. xxxx

.... Respondent /  
Defacto Complainant

3.The District Social Welfare officer,  
Thoothukudi.

4.The Superintendent of Police,  
Thoothukudi.

5.The Secretary to Government,  
Department of Home,  
Prohibition and Excise,



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Fort St. George, Chennai.

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6.The Secretary,  
Directorate of Social Welfare,  
Fort St. George, Chennai.

7.The Secretary,  
Department of Law and Justice,  
Fort St. George, Chennai.

... Respondents

*(R-3 to R-7 are suo-motu impleaded vide Court order dated 01.06.2026 made in Crl.O.P.(MD)Nos.3924, 3628, 3769 of 2026 and 21788 of 2025)*

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records pertaining to the Charge sheet taken on file by the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi in Spl SC No.24 of 2026 and Quash the same.

For Petitioner : Mr.P.Selvakumar

For R-1 : Mr.M.Sakthi Kumar,  
Government Advocate (Crl. side)

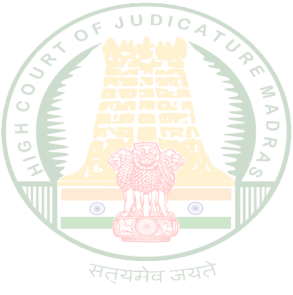
**Crl.O.P.(MD).No.3628 of 2026**

Narendra Prasath

... Petitioner/Accused No.

**Vs.**

1. The State of Tamilnadu  
Rep. by, the Inspector of Police,  
AWPS – Fort Police Station,  
Tiruchirappalli District.  
Crime No. 16/2025



Crl.OP(MD)No.3924 of 2026 etc.,

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2. xxxx
3. The Inspector of Police,  
Theni Police Station,  
Theni.
4. The Secretary,  
Bar Council of Tamilnadu and Puducherry,  
Chennai.
5. The Secretary,  
Kerala Bar Council

*(R3 to R5 Suo -Motu Impleaded as per order of this court dated 23/02/2026 in CrIOP(MD)No. 3628/2026)*

6. S.Nanthini

*(R6 is suo motu impleaded as per order of this court dated 26.02.2026 in CrI.OP(MD).3628/2026.)*

7. The Superintendent of Police,  
Tiruchirapalli District.

*(R-7 is suo motu impleaded vide Court order dated 01.06.2026 made in CrI.O.P.(MD)Nos.3924, 3628, 3769 of 2026 and 21788 of 2025)*

.... Respondents

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the final report in Spl.SC.No.13/2026 on the file of the learned Mahila Court at



Crl.OP(MD)No.3924 of 2026 etc.,

Tiruchirappalli in Crime No.16/2025 dated 18.06.2025 on the file of

the respondent no.1 and quash the same.

For Petitioner : M/s.T.Seeni Syed Amma,  
For M/s. Roy and Roy Associates  
For R-1 & R-3 : Mr.B.Thanga Aravindh,  
Government Advocate (Crl. side)  
For R-2 : Mr.Stevenson  
For R-4 : Mr.K.R.Laxman  
For R-6 : Mr.Ananda Padmanabhan,  
Senior counsel,  
For Mr.J.Vishnu

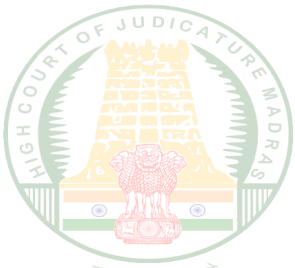
**Crl.O.P.(MD).No.3769 of 2026**

Ibrahim

... Petitioner/Accused No.

**Vs.**

1. The State of Tamilnadu  
Rep. by, the Inspector of Police,  
AWPS – Pudukottai,  
Pudukottai District.  
Crime No. 7/2025 .... Respondent / Complainant
2. Diyana Begam  
.... Respondent /  
Defacto Complainant
- 3.The District Social Welfare Officer,  
Pudukkottai District.
- 4.The District Collector,  
Pudukottai. .... Respondents



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*(R-3 and R-4 are suo-motu impleaded vide Court order dated 01.06.2026 made in Crl.O.P.(MD)Nos.3924, 3628, 3769 of 2026 and 21788 of 2025*

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire relating to the impugned Spl.SC No.73/2025 dated 30.08.2025, on the file of Special Court for Exclusive Trial of POCSO Cases, (Sessions Judge, Mahila Court), Pudukkottai and quash the same as illegal.

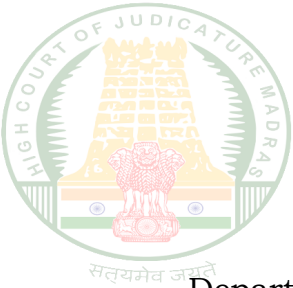
For Petitioner : Mr.P.M.Vishnuvarthanan  
For R-1 : Mr.M.Sakthi Kumar,  
Government Advocate (Crl. side)  
For R-2 : Mr.S.Babu

**Crl.O.P.(MD).No.21788 of 2025**

1. S.Muniyandi  
2. C.Ayyapan ... Petitioners/Accused

**Vs.**

1. The State of Tamilnadu,  
Rep by the Inspector of Police,  
Usilampatti All Women Police Station,  
Usilampatti,  
Madurai District.  
Crime No.15 of 2023  
.... Respondent / Complainant  
2. S.Jeyaraman ..... Respondent /  
Defacto Complainant  
3.The Secretary to Government,



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Department of Home,  
Prohibition and Excise,  
Fort St. George,  
Chennai.

4.The Secretary,  
Directorate of Social Welfare,  
Fort St. George,  
Chennai.

5.The Secretary,  
Department of Law and Justice,  
Fort St. George,  
Chennai.

6.The Commissioner of Police,  
Madurai.

7.The Superintendent of Police,  
Thoothukudi District.

.... Respondents

*(R-3 to R-6 are suo-motu impleaded vide Court order dated 01.06.2026 made in Crl.O.P.(MD)Nos.3924, 3628, 3769 of 2026 and 21788 of 2025*

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Spl.S.C.No. 1/2024 on the file of the Special Court For Exclusive Trail of Cases Under POCSO Court, Madurai in Cr.No.15 of 2023 dated 24.08.2023 on the file of the Respondent No.1 U/s.7 and 8.

For Petitioners : Mr.P.Akarathi

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



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**Crl.OP(MD)No.3924 of 2026 etc.,**

For R-2 : Mr.M.Balamurugan

For R-3 to R-6 : Mr.B.Saravanan,  
Senior counsel

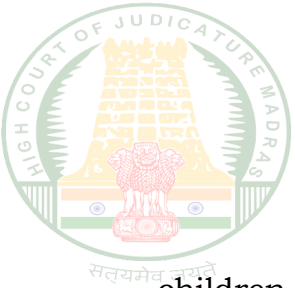
### **COMMON ORDER**

#### ***Common Prologue:***

(For the Compendium of Child-Welfare Oriented Orders under the POCSO Regime)

This Court has consciously chosen to present the following four matters together in the form of a single compendium of judicial orders, not for the purpose of sensationalising instances of alleged false implication under the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “the POCSO Act”), but rather as a larger child-welfare centred constitutional exercise intended to provoke institutional introspection, academic engagement, policy reflection, and systemic reform concerning the manner in which children are presently dealt with within the criminal justice administration.

2. Though arising from different factual backgrounds, districts, and individual narratives, all the four cases placed before this Court revealed one deeply disturbing common feature namely, that



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children who entered the justice delivery system under the protective umbrella of the POCSO Act ultimately became exposed to varying degrees of emotional confusion, psychological strain, procedural insensitivity, institutional inadequacy, repetitive narration of allegations, social stigma, family conflict, and systemic mechanicalness. The present compendium therefore emerges not from a desire to undermine the sanctity of the POCSO Act, but from an urgent constitutional necessity to strengthen its humane implementation.

3. The POCSO Act is one of the most progressive and transformative child-protection legislations enacted by Parliament. It represents a solemn constitutional promise made by the Republic to every child that the legal system shall protect them from sexual exploitation, emotional abuse, intimidation, and institutional neglect. The statute is fundamentally child-centric in philosophy, trauma-sensitive in design, and rehabilitative in spirit. However, these cases collectively reveal that enactment of a welfare legislation alone cannot achieve its constitutional objectives unless the surrounding

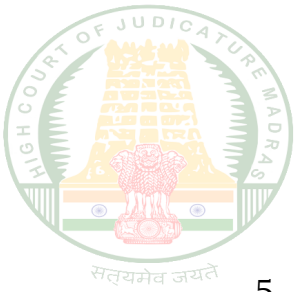


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implementation ecosystem evolves with equal sensitivity, expertise, coordination, and sincerity.

4. The present matters exposed before this Court several recurring concerns requiring immediate institutional attention:

- (i) absence of trauma-informed investigative approaches;
- (ii) mechanical registration and prosecution practices;
- (iii) insufficient understanding of child psychology;
- (iv) repeated exposure of children to emotionally exhausting legal procedures;
- (v) inadequate counselling and therapeutic support mechanisms;
- (vi) lack of coordinated welfare intervention;
- (vii) operational shortcomings in child-sensitive investigation;
- (viii) institutional overdependence upon adversarial procedures;
- (ix) inadequate training among stakeholders;
- (x) structural gaps in rehabilitation frameworks;
- (xi) and legislative silence regarding long-term emotional recovery and reintegration of children affected by criminal litigation.



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5. The Court is constrained to observe that in many cases, the criminal justice system continues to function in a manner primarily focused upon procedural completion rather than holistic child welfare. A child subjected to repeated institutional interaction whether before police officers, counsellors, doctors, prosecutors, or Courts, undergoes an emotional journey that legal records seldom capture. Every statement recorded, every medical examination conducted, every confrontation facilitated, and every courtroom appearance compelled upon a child leaves psychological impressions upon the developing mind of that child.

6. This Court therefore considers it necessary to emphasise that the true object of the POCSO Act is not confined merely to registration of FIRs, filing of charge sheets, or securing convictions. The soul of child protection jurisprudence lies in preserving childhood dignity, emotional safety, educational continuity, psychological healing, social reintegration, and constitutional compassion. A child who enters the justice system should emerge protected, reassured, rehabilitated, and emotionally secure not

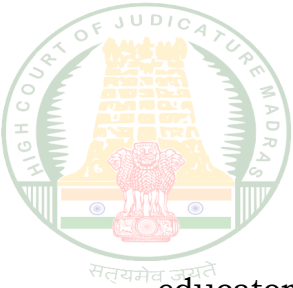


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burdened with deeper trauma inflicted through insensitive institutional processes.

7. The necessity for preparing this compendium arises from the larger constitutional obligation of this Court to ensure that child-protection jurisprudence evolves beyond procedural ritualism into a genuinely welfare-oriented justice framework. Courts are not merely adjudicatory institutions deciding rights and liabilities in isolation. Constitutional Courts are also institutional guardians entrusted with the responsibility of identifying systemic shortcomings and initiating conversations capable of improving the justice delivery mechanism itself.

8. This Court is therefore placing these matters together as a single integrated judicial discourse so that the recurring institutional patterns emerging across these cases are not lost in fragmented adjudication. The purpose of this compendium is to awaken institutional sensitivity among all stakeholders functioning within the POCSO ecosystem including police officers, prosecutors, welfare authorities, Child Welfare Committees, psychologists, counsellors,



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educators, medical professionals, academicians, policy makers, legal practitioners, and the judiciary itself.

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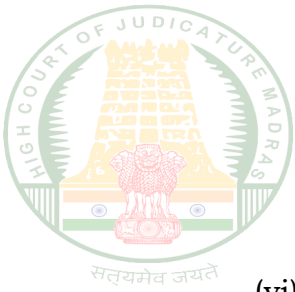
9. The Court hopes that this compendium shall serve as:

- (i) a child-welfare oriented institutional reflection;
- (ii) a pedagogic resource for judicial and police training;
- (iii) a catalyst for academic and criminal law research;
- (iv) a framework for policy introspection;
- (v) a stimulus for trauma-sensitive implementation practices;
- (vi) and a reminder that child protection requires empathy as

much as enforcement.

10. This compendium also seeks to encourage serious academic inquiry into:

- (i) the psychology of child victims and child witnesses;
- (ii) trauma-informed policing;
- (iii) secondary victimisation through procedural excess;
- (iv) misuse-prevention mechanisms consistent with child welfare;
- (v) rehabilitation deficiencies under the POCSO framework;



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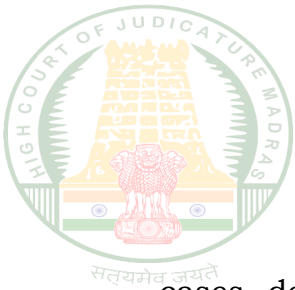


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(vi) welfare-centric adjudicatory models;  
(vii) and the larger relationship between child protection laws and constitutional compassion.

11. The Court makes it abundantly clear that these orders should never be interpreted as diluting the seriousness of genuine child sexual abuse prosecutions. On the contrary, the present exercise is intended to strengthen the credibility and effectiveness of the POCSO regime by emphasising that every allegation involving a child must be handled with the highest degree of caution, care, expertise, sensitivity, responsibility, and institutional sincerity. For if child-protection laws are implemented mechanically or insensitively, the ultimate casualty will always be the child.

12. The present compendium is therefore conceived as a child welfare measure in the truest constitutional sense aimed not merely at deciding cases, but at improving the future manner in which children are treated by the justice delivery system itself. This Court clarifies that the observations made in the present compendium arise from the peculiar factual circumstances emerging in the individual



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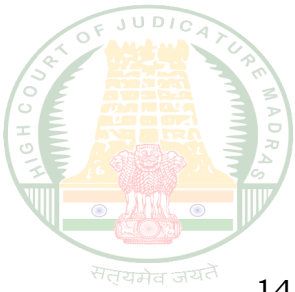
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cases dealt with herein and shall not be construed as general observations concerning the overall functioning of the Protection of Children from Sexual Offences Act, 2012 or the criminal justice administration at large. The present exercise is confined to addressing specific institutional concerns noticed in the facets of these cases and to evolving child-sensitive approaches consistent with constitutional values.

***Crl.O.P.(MD) No.3628 of 2026:***

***Prologue:***

13. The present Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 482 Cr.P.C., presents before this Court a deeply disturbing and multi-layered factual matrix touching upon the misuse of the stringent provisions of the Protection of Children from Sexual Offences Act, 2012, the vulnerability of minor children in emotionally exploitative circumstances, the alarming spectre of manipulation of criminal law machinery, and certain shocking allegations concerning abuse of the legal profession itself.



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14. The case initially appeared to be a routine petition seeking quashment of the final report in Spl.S.C.No.13 of 2026 on the file of the learned Mahila Court, Tiruchirapalli. However, as the proceedings unfolded, several startling facts surfaced before this Court, compelling this Court to travel beyond the narrow confines of an ordinary compromise-based quash petition.

15. What initially began as a prosecution under Section 366 IPC corresponding to Section 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 7 and 8 of the POCSO Act, ultimately revealed disturbing allegations of emotional coercion, manipulation of a vulnerable minor girl, possible abuse of legal processes, and grave suspicions regarding the manner in which the 6<sup>th</sup> respondent secured enrolment before the 5<sup>th</sup> respondent, the Bar Council.

16. Simultaneously, this Court is equally conscious that allegations under the POCSO Act cannot be casually brushed aside merely on the basis of compromise, particularly when the victim was admittedly a minor at the time of occurrence. Thus, the present



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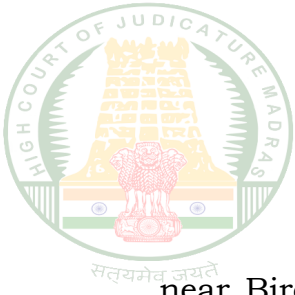
matter required this Court to proceed with utmost circumspection, judicial restraint and institutional responsibility.

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***Case of the prosecution:***

17. The petitioner stands arrayed as the sole accused in Crime No.16 of 2025 registered on the file of the respondent police for offences under Section 366 IPC corresponding to Section 87 BNS and Sections 7 and 8 of the POCSO Act. The prosecution case, as projected in the FIR and final report, is that the petitioner, who is an allopathic doctor, became acquainted with the 2<sup>nd</sup> respondent/victim through Instagram during August 2023. Thereafter, emotional intimacy allegedly developed between them.

18. According to the prosecution, the petitioner induced the victim by professing love and promising marriage despite knowing fully well that she was a minor girl aged below 18 years. It is alleged that during October 2023, the petitioner met the victim at Tiruchirapalli, took her in his car towards the Karur Bypass Road



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near Birds Park, subjected her to sexual assault, compelled her to kiss him, touched her private body parts and indulged in sexual acts amounting to sexual assault under Sections 7 and 8 of the POCSO Act.

19. The prosecution further alleges that the petitioner subsequently threatened the victim using her intimate photographs and videos and emotionally manipulated her. During the course of investigation, the victim girl gave a detailed statement before the learned Judicial Magistrate No.IV, Tiruchirapalli under Section 183(6)(a) BNSS. The said statement contains extensive allegations against the petitioner including emotional exploitation, sexual misconduct, threats using intimate images and intimidation. The final report was thereafter filed before the learned Mahila Court, Tiruchirapalli and taken on file in Spl.S.C.No.13 of 2026.

20. During pendency of the present quash petition, a joint compromise petition came to be filed by the petitioner and the 2<sup>nd</sup> respondent victim stating that the complaint itself was false and that the victim no longer desired to prosecute the petitioner. According to



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the compromise version, the complaint had allegedly been lodged at the instigation and coercion of one Nandhini, a practicing lawyer who claim herself to be the wife of the petitioner.

21. Taking note of the peculiar factual circumstances emerging in the case, this Court, by orders dated 23.02.2026 and 26.02.2026, *suo motu* impleaded:

The Secretary, Bar Council of Kerala as the 5<sup>th</sup> respondent; and Nandhini as the 6<sup>th</sup> respondent.

22. This Court also called for the entire case diary records maintained by the 1<sup>st</sup> respondent police. Subsequently, by order dated 11.03.2026, this Court appointed:

23. Ms. K. Mohana Priya, Regional Psychologist, Department of Child Welfare and Special Services, Madurai; and Ms. P. Prem Latha, Chairperson, Child Welfare Committee, Madurai, as Child Counsellors to counsel the victim as well as the 6<sup>th</sup> respondent and submit an independent counselling assessment report before this Court.



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***Report of the child counsellors:***

24. The report submitted by the Child Counsellors assumes tremendous significance in the present proceedings. The report reveals that the victim girl was emotionally vulnerable, estranged from parental support systems and psychologically susceptible to emotional influence and intimidation. More importantly, the report records that:

- (i) the victim stated that Nandhini threatened her;
- (ii) the complaint was allegedly drafted by Nandhini;
- (iii) an advocate was arranged by Nandhini for filing the complaint;
- (iv) the victim claimed that she lodged the complaint not out of her own volition but due to threat and instigation at the hands of the 6<sup>th</sup> respondent.

25. The report further reveals that the victim specifically informed the counsellors that she possessed voice recordings relating to the conduct of the 6<sup>th</sup> respondent. Significantly, the report states



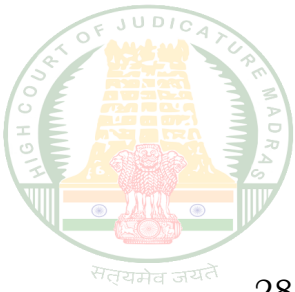
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that during counselling no direct allegation of sexual abuse was reiterated against the petitioner by the victim girl.

26. Equally disturbing are the observations made by the Child Counsellors regarding the 6<sup>th</sup> respondent/Nandhini, wherein the counsellors recorded repetitive narration, inconsistencies, irrelevant responses, emotional instability and possible disturbances in thought processing. Though such observations by themselves cannot be treated as conclusive judicial findings, they nevertheless constitute extremely relevant surrounding circumstances necessitating a deeper and independent investigation.

***Status reports filed by the respondent police:***

27. The status reports filed by the respondent police disclose startling antecedents concerning the 6<sup>th</sup> respondent. The reports reveal multiple earlier criminal complaints involving allegations of similar nature allegedly made by the 6<sup>th</sup> respondent against different individuals.



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28. The records further reveal that in several earlier criminal proceedings, the *de facto* complainant had eventually turned hostile leading to acquittals. The status report also reveals that the petitioner herein had separately lodged complaints alleging cheating, intimidation and extortion as against the 6<sup>th</sup> respondent.

29. More alarmingly, pursuant to directions issued by this Court, the 3<sup>rd</sup> respondent police verified the enrolment particulars of the 6<sup>th</sup> respondent before the Kerala Bar Council. The enquiry conducted by the respondent police *prima facie* revealed serious discrepancies regarding:

- (i) residential proof;
- (ii) Aadhaar particulars;
- (iii) identity documents; and
- (iv) address details furnished for enrolment before the Bar Council of Kerala.

30. The materials presently available before this Court *prima facie* create grave suspicion regarding the genuineness of the



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documents relied upon by the 6<sup>th</sup> respondent for enrolment before the 5<sup>th</sup> respondent Bar Council.

***Grounds for quash:***

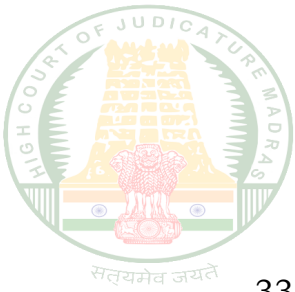
31. The learned counsel for the petitioner would submit that the prosecution is entirely fabricated and engineered at the instance of the 6<sup>th</sup> respondent. It is contended that the victim herself has now categorically stated before this Court and before the Child Counsellors that the complaint was lodged due to intimidation and coercion.

32. The learned counsel would further submit that continuation of the prosecution despite the victim retracting the allegations would amount to abuse of process of Court. It is further argued that the petitioner himself had become a victim of sustained manipulation and harassment orchestrated by the 6<sup>th</sup> respondent. Reliance was also placed upon the principles laid down in ***State of Haryana v. Bhajan Lal***<sup>1</sup>.

***Arguments on either side:***

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1 1992 Supp(1) SCC 335



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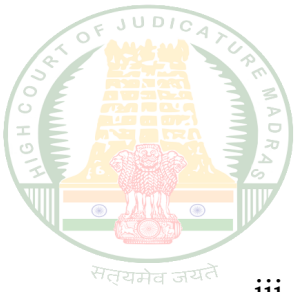
33. The elaborate submissions advanced on behalf of the petitioner, the victim and the prosecution have already been extracted in detail in the earlier portions of this order and the same are not repeated herein for the sake of brevity.

34. Suffice it to state that the petitioner seeks quashment based on compromise and alleged falsity of the complaint, whereas the prosecution would contend that the allegations involve serious offences under the POCSO Act and therefore require full-fledged investigation and trial.

***Points for consideration:***

35. The following points arise for consideration in the present petition:

- i. Whether the final report in Spl.S.C.No.13 of 2026 is liable to be quashed solely on the basis of compromise between the petitioner and the victim?
- ii. Whether the materials placed before this Court disclose circumstances warranting further investigation regarding the role of the 6<sup>th</sup> respondent?



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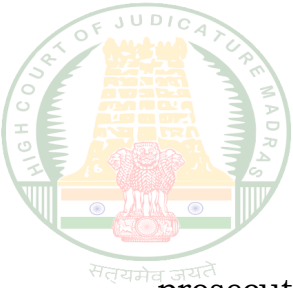
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iii. Whether this Court, in exercise of jurisdiction under Section 528 BNSS, can issue consequential directions concerning the conduct and enrolment of the 6<sup>th</sup> respondent before the 5<sup>th</sup> respondent Bar Council?

***Analysis:***

36. It is by now well settled that offences under the POCSO Act stand on an entirely different footing from ordinary private disputes. The object of the POCSO Act is protection of children from sexual exploitation and abuse. The legislation is child-centric and founded upon public interest considerations. Therefore, criminal proceedings involving offences under the POCSO Act ordinarily cannot be quashed merely on the basis of compromise.

37. At the same time, the constitutional duty of this Court under Section 528 BNSS remains to prevent abuse of process and secure the ends of justice. Therefore, where the materials placed before the Court themselves disclose possible manipulation of the

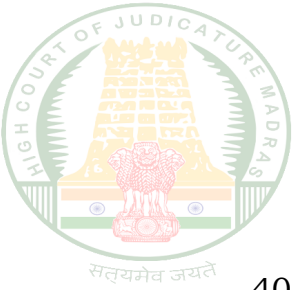


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prosecutorial process involving a child victim, this Court cannot mechanically shut its eyes.

38. A careful perusal of the entire case diary records reveals that the petitioner and the victim had indeed engaged in extensive obscene and sexually explicit electronic communications through WhatsApp and other social media platforms. Such materials undoubtedly cast serious suspicion upon the subsequent compromise version now projected before this Court. However, one crucial fact remains undeniable.

39. The victim was admittedly a minor girl at the time of the alleged occurrence and at the time of such electronic exchanges. Therefore, even if the victim presently seeks compromise after attaining majority, the Court cannot completely erase the statutory protection afforded to her during minority. This Court is therefore not inclined to quash the final report in a routine manner merely on the basis of compromise.



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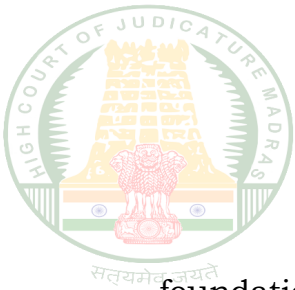
40. However, the materials presently available before this Court equally disclose *prima facie* circumstances indicating possible coercion, manipulation and instigation by the 6<sup>th</sup> respondent. The counselling report assumes tremendous significance in this regard.

The report specifically records that the victim stated that:

- (i) the complaint was drafted by the 6<sup>th</sup> respondent;
- (ii) the victim was threatened;
- (iii) an advocate was arranged;
- (iv) the complaint was lodged under pressure.

41. If such allegations are ultimately found to be true, the same would attract serious consequences under Section 22 of the POCSO Act relating to false complaints and false information. At the same time, Section 22 specifically protects children from prosecution for false complaints. Therefore, the focus of investigation necessarily has to be upon the possibility of instigation, coercion or manipulation by adults behind the complaint mechanism.

42. The legal profession occupies a sacred constitutional position within the justice delivery system. Courts function on the

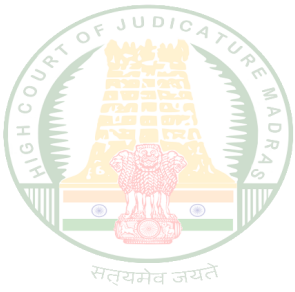


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foundational assumption that advocates enrolled before statutory Bar Councils possess authenticity, integrity and professional responsibility. Unfortunately, recent times have witnessed disturbing instances involving fake lawyers, forged enrolment records and unethical professional conduct.

43. The present case *prima facie* reveals disturbing allegations regarding the enrolment credentials of the 6<sup>th</sup> respondent. The status report filed by the respondent police raises serious questions regarding the genuineness of the Aadhaar particulars, residential proof and identity documents furnished by the 6<sup>th</sup> respondent before the 5<sup>th</sup> respondent Bar Council.

44. If persons lacking genuine credentials infiltrate the legal profession and thereafter utilise legal knowledge to threaten, manipulate and exploit emotionally vulnerable citizens, the same would strike at the very root of public confidence in the justice delivery system. Therefore, this Court is of the considered view that an independent discreet enquiry by the Bar Council of Kerala becomes absolutely necessary.



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45. The facts unearthed during the present proceedings disclose several disputed questions requiring deeper investigation. A slight tilt either in favour of the petitioner or against the victim may result in grave miscarriage of justice. The factual complexities emerging in the present proceedings disclose competing narratives requiring careful independent examination in accordance with law. Therefore, instead of prematurely terminating the prosecution or blindly permitting continuation of trial, this Court is of the view that a focused enquiry regarding the role of the 6<sup>th</sup> respondent under Section 22 of the POCSO Act becomes absolutely necessary.

46. In the result:

i. The Superintendent of Police, Tiruchirapalli District is *suo motu* impleaded as the 7<sup>th</sup> respondent. Registry is directed to carry out the necessary amendments in the cause title.

ii. The Superintendent of Police, Tiruchirapalli District, shall cause a preliminary enquiry through a responsible officer not below the rank of Deputy Superintendent of Police regarding the allegations emerging from the counselling assessment report and the materials

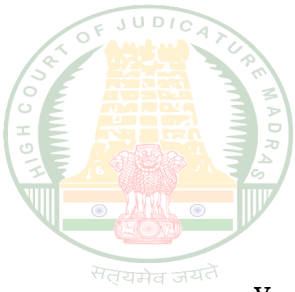


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placed before this Court, particularly concerning possible offences relating to Section 22 of the Protection of Children from Sexual Offences Act, 2012 and other cognizable offences, if any. If the enquiry discloses commission of cognizable offences, appropriate action shall thereafter be taken strictly in accordance with law.

iii. The said exercise shall conclude within a period of six (6) weeks from the date of receipt of copy of this order and report compliance before this Court on 01.08.2026. The petitioner, 2<sup>nd</sup> respondent and 6<sup>th</sup> respondent shall fully cooperate with the enquiry.

iv. The materials presently placed before this Court raise certain *prima facie* concerns regarding the authenticity of the enrolment-related documents furnished by the 6<sup>th</sup> respondent before the Bar Council. Since the integrity of the legal profession forms an essential component of public confidence in the justice delivery system, this Court considers it appropriate to request the 5<sup>th</sup> respondent/Bar Council of Kerala to independently verify the genuineness of the relevant enrolment records in accordance with law and report compliance on 1<sup>st</sup> August, 2026.



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v. Till completion of the aforesaid enquiry, all further proceedings in Spl.S.C.No.13 of 2026 on the file of the learned Mahila Court, Tiruchirapalli shall remain stayed.

vi. The report of the Child Counsellors shall form a part and parcel of this order.

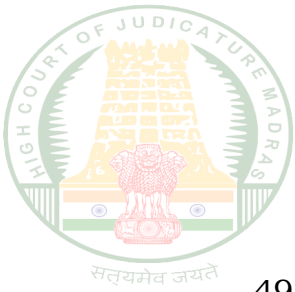
47. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

***Crl.O.P.(MD) No.3924 of 2026:***

***Prologue:***

48. The facts of the present case reveal a tragic narrative where the victim herself appears to have become the casualty of sustained societal pressure, emotional vulnerability and familial manipulation. This Court is therefore compelled not only to examine the legality of the prosecution but also to address the larger concerns relating to the welfare, rehabilitation and psychological well-being of the victim.

***Case of the prosecution:***



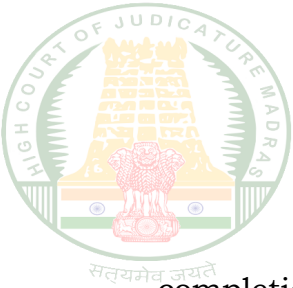
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49. The prosecution case, in brief, is that the second respondent/*de facto* complainant lodged a complaint alleging that the petitioner, who is her distant relative, had sexually harassed and sexually assaulted her during the period when she was a minor.

50. According to the prosecution, the petitioner used to behave in a sexually inappropriate manner whenever the victim returned home during vacation from her hostel and had allegedly subjected her to repeated sexual assault. It is further alleged that on one occasion in May 2022, the petitioner attempted to force himself upon the victim and assaulted her physically when she resisted. The prosecution further alleged that the petitioner, along with the other accused persons, namely Regina, Grenappu and Esther, criminally intimidated the victim and prevented her from disclosing the alleged incidents to anybody else.

51. Based on the complaint dated 12.07.2025, the first respondent police registered a case in Crime No.25 of 2025 for offences under Sections 3(a), 4, 5(n), 5(l), 6, 16 and 17 of the POCSO Act and Section 351(3) of the Bharatiya Nyaya Sanhita, 2023. Upon



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completion of investigation, the first respondent filed a final report before the learned Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi and the same was taken on file in Spl.S.C.No.24 of 2026.

***Grounds for quash:***

52. The learned counsel appearing for the petitioner submitted that the entire prosecution is a fabricated one engineered by one Sangeetha and Vasanthi, who allegedly exploited the emotional vulnerability of the victim in order to wreak vengeance against the petitioner owing to pre-existing family disputes.

53. The learned counsel would submit that the victim herself had, in her statement recorded under Section 183(6)(a) BNSS before the learned Judicial Magistrate, Sathankulam, categorically stated that the petitioner had not committed any sexual offence against her and that she was compelled by others to lodge the complaint.

54. It is further contended that despite such categorical exculpatory statement made before the learned Magistrate, the first



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respondent police mechanically proceeded to file the final report without conducting a fair and impartial investigation. The learned counsel therefore submitted that continuation of the criminal proceedings would amount to gross abuse of process of law and prayed for quashing of the final report.

55. Per contra, the learned Government Advocate (Crl. side) appearing for the 1<sup>st</sup> respondent submitted that the allegations made in the complaint were grave in nature and disclosed repeated acts of penetrative sexual assault committed during the minority of the victim. The learned Government Advocate further submitted that the victim had initially given consistent statements implicating the petitioner and such statements were also videographed during investigation. It was further argued that the subsequent retraction by the victim appears to be an afterthought and cannot automatically invalidate the prosecution case.

56. Reliance was also placed upon the status report filed by the Deputy Superintendent of Police, Tiruchendur Sub Division, wherein it has been stated that the subsequent contradictory



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statement of the victim is not supported by independent material and that the original complaint disclosed *prima facie* credible allegations warranting prosecution.

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

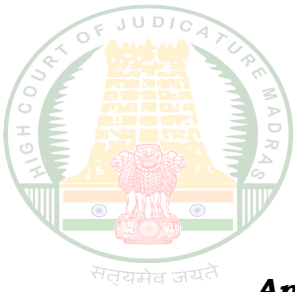
***Points for consideration:***

58. In the light of the rival submissions, the following points arise for consideration before this Court:-

(i) Whether the continuation of the proceedings in Spl.S.C.No. 24 of 2026 would amount to abuse of process of law?

(ii) Whether the materials placed before this Court warrant exercise of jurisdiction under Section 528 BNSS to quash the final report?

(iii) Whether further directions are required in the interest of the welfare and rehabilitation of the victim?



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**Analysis:**

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59. The inherent jurisdiction of this Court under Section 528 BNSS corresponding to Section 482 Cr.P.C. is intended to secure the ends of justice and prevent abuse of process of Court. Though such jurisdiction must be exercised sparingly, the constitutional obligation of this Court to prevent miscarriage of justice cannot be diluted merely because the allegations arise under the POCSO Act.

60. This Court is fully conscious that offences under the POCSO Act are serious offences involving societal concern and ordinarily the Court would be reluctant to interdict the prosecution at the threshold. However, the present case does not rest merely upon a subsequent compromise or settlement. The present case stands on a completely different footing.

61. A crucial circumstance that stares at the prosecution is the categorical statement made by the victim before the learned Judicial Magistrate under Section 183(6)(a) BNSS. The victim had specifically stated that the petitioner had not committed any offence against her and that the complaint came to be lodged at the instance of others.



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Shockingly, despite such statement, the investigating agency proceeded to mechanically file a final report implicating the petitioner without properly addressing the impact and evidentiary significance of such exculpatory statement.

62. The learned Trial Court, while taking cognizance of the final report, also appears to have mechanically taken the same on file without considering the serious inconsistencies apparent on the face of the record.

63. This Court, taking note of the peculiar facts and circumstances of the case, directed the production of the victim before this Court and ordered counselling through Ms K. Mohana Priya, Regional Psychologist, Department of Child Welfare and Special Services, Madurai, and Ms P. Prem Latha, Chairperson, Child Welfare Committee, Madurai.

64. The counselling report submitted before this Court paints a deeply disturbing picture. The report reveals that the victim had earlier undergone traumatic experiences and had previously lodged

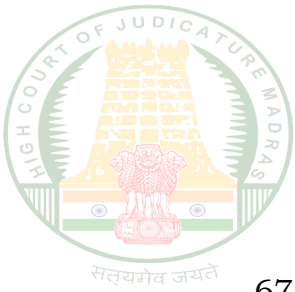


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another POCSO complaint against certain other individuals. The report further reveals that she comes from an emotionally unstable background, having lost paternal support and having a mentally disturbed mother.

65. Most importantly, the report records that the victim stated during counselling that the present complaint against the petitioner was lodged under the influence and pressure exerted by Sangeetha and Vasanthi. The victim has further expressed her unwillingness to continue the proceedings and has specifically stated that continuation of the case is seriously affecting her marital life and family stability.

66. The counselling assessment reflects significant emotional vulnerability of the victim. The counselling report reflects that the victim is repeatedly vulnerable to external influence and social manipulation. Her orphaned and emotionally fragile condition appears to have been exploited for settling personal scores.



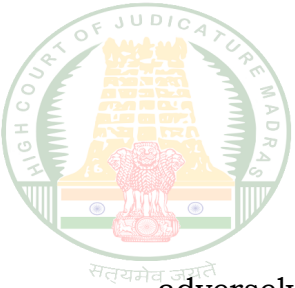
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67. The POCSO Act was enacted in consonance with the United Nations Convention on the Rights of the Child ratified by India on 11.12.1992. The soul of the enactment lies not merely in punishment, but in ensuring sustained safety, dignity, emotional rehabilitation and holistic welfare of children. Mere enactment of stringent penal provisions by itself cannot achieve the legislative object unless there exists adequate societal awareness and institutional sensitivity.

68. Section 39 of the POCSO Act empowers the State to prepare guidelines enabling child victims to obtain assistance of experts. Likewise, Section 43(a) and (b) cast statutory duties upon the Central and State Governments to spread awareness regarding the Act and impart training to stakeholders involved in implementation.

69. Had there been adequate societal awareness regarding the consequences of foisting false POCSO complaints, many vulnerable individuals would not have been manipulated into becoming instruments of personal vendetta. Irresponsible invocation of stringent penal provisions, if established in a given case, may



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adversely affect both innocent individuals and the credibility of genuine child protection mechanisms.

70. This Court is constrained to observe that while the POCSO Rules, 2020 provide for victim compensation under Rule 9, there remains an alarming absence of sustained rehabilitative mechanisms to restore the educational, vocational and psychological stability of vulnerable victims. Such legislative gaps require immediate policy attention.

71. In the peculiar facts of the present case, continuation of the prosecution would serve no useful purpose. The materials placed before this Court unmistakably demonstrate that the prosecution is riddled with serious infirmities and that the victim herself has consistently ruled out the involvement of the petitioner in the alleged offence during the later stages.

72. This Court is therefore satisfied that permitting the prosecution to continue would amount to abuse of process of law. The present case demonstrates how a vulnerable young woman



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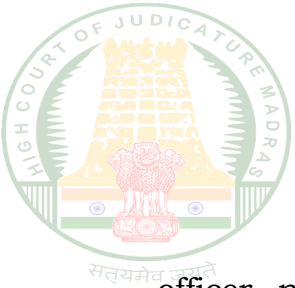
became entangled between law and livelihood, accusation and survival, trauma and societal pressure. The criminal justice system must never become a weapon for personal vendetta at the cost of a vulnerable victim's future.

73. This case also underscores the urgent necessity for widespread awareness programmes across the State regarding the responsible invocation of the POCSO Act, the consequences of false implication and the need for sustained psychosocial rehabilitation of victims.

74. In the result, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.24 of 2026 on the file of the learned Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi, are hereby quashed. The report of the Child Counsellors shall form a part and parcel of this order.

75. This Court further directs:

(i)The 3<sup>rd</sup> respondent Superintendent of Police, Thoothukudi District, shall cause a preliminary enquiry through a responsible

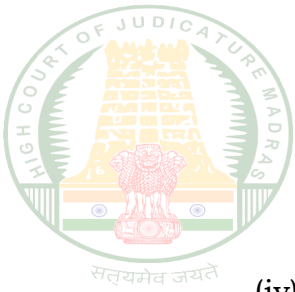


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officer not below the rank of Deputy Superintendent of Police regarding the allegations emerging from the counselling assessment report and the materials placed before this Court, particularly concerning possible offences relatable to Section 22 of the Protection of Children from Sexual Offences Act, 2012 and other cognizable offences, if any. If the enquiry discloses commission of cognizable offences, appropriate action shall thereafter be taken strictly in accordance with law.

(ii)The enquiry shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order. Post the matter before this Court on 01.08.2026 under the caption “for reporting compliance”.

(iii)The District Social Welfare officer, Thoothukudi, the Superintendent of Police, Thoothukudi, The Secretary to Government, Department of Home, Prohibition and Excise, Fort St. George, Chennai;The Secretary, Directorate of Social Welfare, Fort St. George, Chennai;and The Secretary, Department of Law and Justice, Fort St. George, Chennai are *suo motu* impleaded as Respondents 3,4,5,6 and 7. Registry is directed to carry out the necessary amendments in the cause list.



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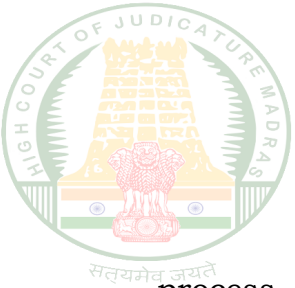
(iv)The 1<sup>st</sup> respondent is directed to take appropriate steps through the third respondent to provide necessary skill development training to the victim and facilitate sustainable vocational rehabilitation.

(v)The first respondent and the third respondent are further directed to facilitate continuous counselling sessions for the victim through the Regional Psychologist, Thoothukudi and the Clinical Psychologist attached to the Thoothukudi Government Medical College Hospital, so as to enable her to overcome the trauma and emotional distress suffered by her. Consequently, connected miscellaneous petitions are closed.

***Crl.O.P.(MD) No.3769 of 2026:***

***Prologue:***

76. The case on hand cannot be approached either with mechanical suspicion against the accused or with unquestioning acceptance of the subsequent compromise narrative projected by the parties. The Court is required to tread with extreme constitutional caution, balancing the presumption of innocence of the accused, the sanctity of child protection laws, the possibility of misuse of criminal



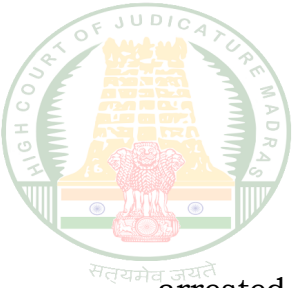
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process, and above all, the continuing welfare and safety of the child victim.

***Case of the prosecution:***

77. The petitioner is the sole accused in Crime No.07 of 2025 registered by the first respondent police for offences under Sections 296(b) and 351(2) of the Bharatiya Nyaya Sanhita, Sections 5(n), 5(l) and 6(1) of the POCSO Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

78. The prosecution case, as projected in the final report, is that the petitioner, who is the father of the minor victim girl aged about 14 years, repeatedly subjected the child to aggravated penetrative sexual assault between 20.10.2024 and 30.06.2025 under the influence of alcohol and drugs. Based on the complaint lodged by the second respondent/mother of the victim, the FIR came to be registered on 04.07.2025 and thereafter a final report was filed in Spl.S.C.No.73 of 2025 before the learned Special Court for Exclusive Trial of POCSO Cases, Pudukkottai. The petitioner was



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arrested and remanded to judicial custody. The matter thereafter stood posted for trial.

***Grounds for quash:***

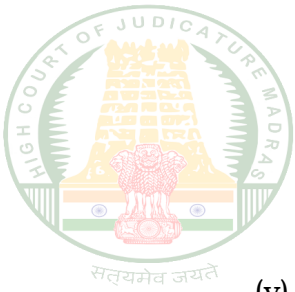
79. The petitioner seeks quashment primarily on the following grounds:

(i) that the allegations are the outcome of matrimonial discord and property dispute between the petitioner and the second respondent;

(ii) that the petitioner had entered India only on 28.08.2024 and therefore the allegation of prolonged abuse for several years is false;

(iii) that the medical and laboratory evidence do not conclusively support the allegation of aggravated penetrative sexual assault;

(iv) that the second respondent herself has now filed an affidavit stating that no allegation of sexual assault was originally made by her against the petitioner and that the prosecution narrative was subsequently developed during investigation;



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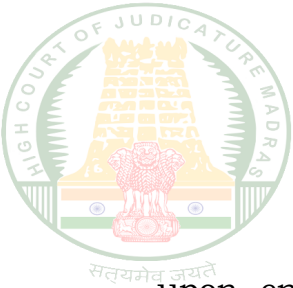
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(v) that the maternal grandmother of the victim, arrayed as LW-3, has also filed an affidavit asserting that no such allegations were ever made by the child to her;

(vi) that continuation of the proceedings would amount to abuse of process of Court.

80. The second respondent/*de-facto* complainant has filed an additional affidavit before this Court stating that though she had contacted Child Help Line No.1098 complaining of harassment by the petitioner under the influence of alcohol, she had not intended to allege sexual assault against the minor child and that the allegations were subsequently developed during investigation. The second respondent has further stated that she lodged the complaint in an emotional state to “teach a lesson” to her husband owing to repeated domestic harassment and that there was no sexual assault upon the child.

81. The maternal grandmother of the victim, who is arrayed as LW-3, has also filed an affidavit stating that the child is presently under her care and custody, studying in another school, and that



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upon enquiry she did not find any allegation of sexual assault against the petitioner.

***Submissions on either side:***

82. The learned counsel for the petitioner submitted that the entire prosecution is a tragic consequence of matrimonial discord and emotional instability within the family. It was further contended that the second respondent and other prosecution witnesses are no longer supporting the prosecution case and therefore the possibility of conviction is completely remote.

83. The learned counsel submitted that compelling the child victim to undergo trial despite the categorical stand of the mother and grandmother would only result in secondary victimisation and psychological trauma to the child. The learned counsel therefore sought quashment of the proceedings.

84. Per contra, the learned Government Advocate (Crl.Side) submitted that the allegations in the FIR and the statements recorded during investigation disclose grave offences under the



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POCSO Act. It was submitted that subsequent compromise or rapprochement between the husband and wife cannot by itself erase serious allegations involving child sexual abuse.

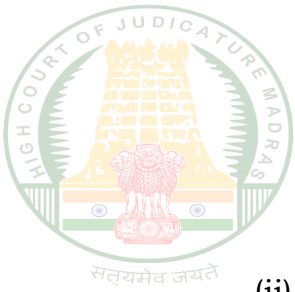
85. The learned Government Advocate further submitted that in several cases involving familial sexual abuse, victims and family members tend to retract owing to emotional dependence, societal pressure, economic insecurity, fear of stigma, or restoration of matrimonial ties. Therefore, according to the prosecution, the subsequent affidavits cannot automatically demolish the prosecution case.

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

***Points for consideration:***

87. The following points arise for consideration in this petition:

(i) Whether the continuation of the prosecution would serve the ends of justice?



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(ii) Whether the subsequent affidavits filed by the *de-facto* complainant and LW-3 render the possibility of conviction wholly remote?

(iii) Whether quashment of the proceedings would compromise the continued safety and welfare of the child?

(iv) What consequential directions are necessary to secure the best interests of the child?

***Analysis:***

88. The allegations in the FIR are undoubtedly grave. They pertain to accusations of aggravated penetrative sexual assault by the father upon his own minor daughter. Equally disturbing, however, is the subsequent volte-face adopted by the *de-facto* complainant and other material witnesses.

89. This Court is unable to mechanically accept either version at face value. If the original allegations are true, the child remains vulnerable and unsafe. If the allegations are false, then the possibility of exaggeration or distortion of allegations amidst matrimonial discord becomes equally alarming and would attract the consequences contemplated under Section 22 of the POCSO Act.

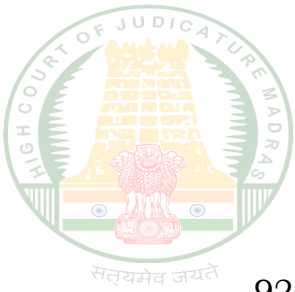


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The present case therefore places the parties at a dangerous crossroads between law, family survival, social stigma, and child welfare.

90. The offences alleged under Sections 5(n), 5(l) and 6 of the POCSO Act pertain to aggravated penetrative sexual assault by a relative or person in domestic relationship with the child. Such offences are unquestionably serious and ordinarily incapable of being quashed merely on the basis of compromise. However, the inherent jurisdiction of this Court under Section 528 BNSS is intended to prevent abuse of process and secure the ends of justice.

91. In the present case, the very foundation of the prosecution is substantially shaken by the subsequent affidavits filed by the *de-facto* complainant and LW-3. The Court is conscious that retraction by victims in sexual offences cannot be viewed simplistically. Courts must remain alive to the possibility of coercion, compromise, fear, economic dependence, or emotional pressure.



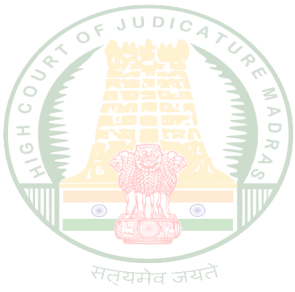
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92. At the same time, criminal law cannot be converted into a ritualistic exercise where the Court knowingly sends a child into a hostile trial despite the practical collapse of the prosecution. If the proceedings are allowed to continue, the inevitable consequence would be that the mother, grandmother, and possibly the child herself may turn hostile before the Trial Court. Such a process would not advance the cause of justice. Rather, it may expose the child to repeated trauma, stigma, and emotional breakdown.

93. The POCSO Act is fundamentally child-centric legislation. The Court cannot lose sight of the distinction between punitive justice and welfare justice. The true purpose of the statute is not merely to punish offenders but to ensure sustained safety, psychological recovery, educational continuity, and social reintegration of the child.

94. Section 39 of the POCSO Act empowers the State to prepare guidelines for child assistance and support mechanisms. Section 43(a) and (b) of the Act mandate awareness generation and training among stakeholders regarding implementation of the statute.

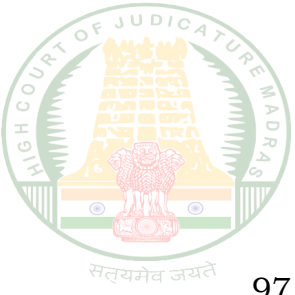


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95. Unfortunately, despite the legislative framework, widespread public awareness regarding the implications of false POCSO complaints continues to remain inadequate. Had sufficient awareness mechanisms existed, citizens would have understood the devastating repercussions of invoking such stringent penal provisions irresponsibly. False POCSO cases, apart from harming the accused, consume enormous judicial time and investigative resources which ought to be devoted towards genuine child victims.

96. Simultaneously, this Court cannot ignore another equally serious legislative gap. Though Rule 9 of the POCSO Rules, 2020, provides for victim compensation, there remains inadequate statutory focus upon sustained educational, psychological, vocational, and rehabilitative support for children whose lives are destabilised owing to victimisation or prosecution-related stigma. The constitutional Courts therefore cannot remain passive spectators. Judicial intervention becomes necessary to bridge such welfare gaps wherever possible.



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97. Merely quashing the proceedings and permitting the parties to walk away would be irresponsible. Even assuming the prosecution narrative to be exaggerated or false, the affidavits themselves disclose repeated domestic violence, alcohol abuse, and unstable matrimonial conditions. The Court therefore cannot blindly restore the *status quo ante* without protective mechanisms. The child's continued welfare must remain the paramount consideration.

98. This Court is therefore inclined to quash the proceedings, not on the basis of a private compromise simpliciter, but upon a carefully calibrated welfare-centric approach coupled with continuing protective directions. The child also expressed her ambitions of pursuing higher studies.

99. In view of the foregoing discussion, this Criminal Original Petition is allowed on the following terms:

(i) The proceedings in Spl.S.C.No.73 of 2025 on the file of the Special Court for Exclusive Trial of POCSO Cases (Sessions Judge, Mahila Court), Pudukkottai are hereby quashed.

(ii) The District Social Welfare Officer, Pudukkottai District, and the District Collector, Pudukkottai are *suo motu* impleaded as the



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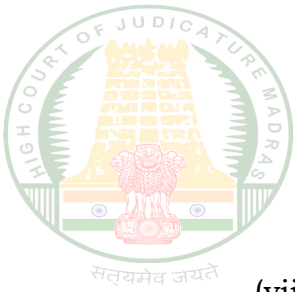
third and fourth respondents. The Registry is directed to carry out necessary amendments in the cause title.

(iii) The District Child Protection Unit, Pudukkottai District, under the supervision of the District Social Welfare Officer, shall periodically monitor the educational continuity, emotional well-being, and safety of the minor child and submit confidential welfare assessment reports once in six months before the jurisdictional Special Court until the child attains majority.

(iv) The first respondent police shall produce the petitioner before the third respondent within two weeks from the date of receipt of a copy of this order.

(v) The third respondent shall engage the Regional Psychologist, Department of Child Welfare and Special Services, Pudukkottai/Madurai Region, for intensive counselling and sensitisation of the petitioner regarding parental responsibility, consequences of abusive conduct, child safety, and behavioural reform.

(vi) The fourth respondent shall ensure that the victim completes her school education and higher education by periodical monitoring.



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(vii) The petitioner shall appear before the first respondent police on the first day of every English calendar month for a period of two years commencing from June 2026.

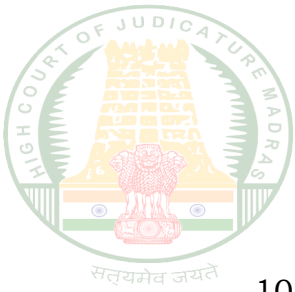
(viii) Post the matter before this Court under the caption “For Reporting Compliance” on 01.08.2026 by the 3<sup>rd</sup> respondent .

(ix) It is made clear that if any future complaint involving harassment, abuse, intimidation, or endangerment of the child is received, the authorities shall proceed independently in accordance with law uninfluenced by the present order. Consequently, connected miscellaneous petitions are closed.

***Crl.O.P.(MD) No.21788 of 2025:***

***Prologue:***

100. The present case demonstrates how the very legislation intended to protect children can become an instrument in the hands of warring adults to settle personal scores, familial rivalry and village factionalism, thereby converting innocent children into unwilling participants in fabricated sexual narratives.



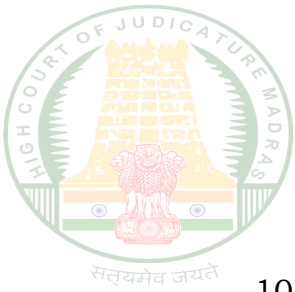
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101. This Court is constrained to record, that the circumstances emerging from the records indicate that two cross complaints appear to have arisen out of pre-existing hostility between the families, thereby requiring heightened investigative caution consistent with the objectives of the POCSO Act. What is more alarming is the possibility that a child may have been compelled by adult family members to repeatedly project a false narrative of sexual assault before institutions of law, thereby subjecting the child herself to emotional burden, psychological confusion, fear and social trauma. This Court cannot remain a mute spectator when childhood itself becomes collateral damage in adult hostility.

***Case of the prosecution:***

102. The prosecution case, in brief, is that the second respondent/*de facto* complainant lodged a complaint before the first respondent police on 07.06.2023 alleging that his minor daughter YYYY, aged about 15 years and studying in X Standard, was subjected to sexual assault by the petitioners on 04.03.2023 at about 11.30 p.m.



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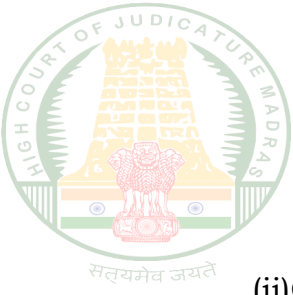
103. According to the complaint, while the victim girl had gone outside her residence to attend nature's call, the petitioners allegedly caught hold of her hands, dragged her, hugged her, kissed her and compelled her to submit to their wishes. On hearing her alarm, the *de facto* complainant allegedly rushed to the place of occurrence and the accused fled away.

104. Based upon the said allegations, Crime No.15 of 2023 came to be registered for offences under Sections 7 and 8 of the POCSO Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Upon completion of investigation, final report was laid and the same was taken on file in Spl.S.C.No.1 of 2024 by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

***Grounds raised for quash:***

105. The petitioners seek quashment of the prosecution mainly on the grounds that:

(i) the prosecution is false and motivated;



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2023;

(ii) Crime No.15 of 2023 is a counterblast to Crime No.14 of

- (iii) both crimes came to be registered on the same day;
- (iv) there existed prior hostility between the families;
- (v) there are material contradictions regarding the place of occurrence;
- (vi) there is unexplained delay in lodging the FIR; and
- (vii) continuation of prosecution would amount to abuse of process of Court.

***Arguments on either side:***

106. The learned counsel appearing for the petitioners submitted that the entire prosecution is the result of deep-rooted village rivalry and retaliatory vengeance. According to the petitioners, the granddaughter of the first petitioner, namely XXXX, herself had been subjected to harassment by Lakshmanan and others, leading to multiple complaints by Selvi, but the police failed to take action.

107. It was submitted that only after a private complaint was filed before the jurisdictional Court under Section 200 Cr.P.C., Crime



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No.14 of 2023 was registered and immediately thereafter the present counter case in Crime No.15 of 2023 came to be foisted. The learned counsel further pointed out:

- (i) the delay of more than three months in registration of FIR;
- (ii) contradictions regarding place of occurrence; and
- (iii) absence of independent witnesses. It was therefore argued that the continuation of prosecution would amount to abuse of process of Court.

108. Per contra, the learned Government Advocate (Criminal Side) submitted that the allegations in the FIR and the statement under Section 164 Cr.P.C. *prima facie* attract Sections 7 and 8 of the POCSO Act. It was further contended that the plea of counterblast and previous enmity are all matters for trial.

109. The learned counsel appearing for the second respondent adopted the submissions of the prosecution.

110. During the course of hearing, when this Court specifically questioned the first respondent police regarding the genuineness of

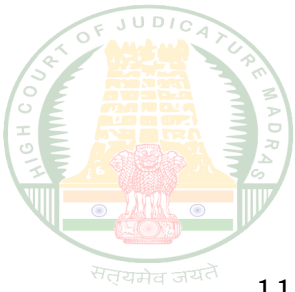


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the allegation that Crime No.15 of 2023 had been registered only as a counterblast to Crime No.14 of 2023, the response of the police was not in the negative. The response deeply disturbed the conscience of this Court.

111. This Court therefore deemed it necessary to independently ascertain the psychological condition and emotional wellbeing of both the victim children involved in Crime Nos.14 and 15 of 2023. Consequently, by order dated 07.01.2026, this Court directed production of both the children for in-camera interaction and appointed Ms.Mohana Priya, Regional Psychologist, Department of Child Welfare and Special Services, Madurai; and Ms.P.Prema Latha, Chairperson, Child Welfare Committee, Madurai, as Child Counsellors.

112. On 21.02.2026, after interacting with the children, this Court directed counselling sessions and later ordered clinical psychological evaluation through Dr.N.Sureshkumar, Clinical Psychologist, Government Rajaji Hospital, Madurai.



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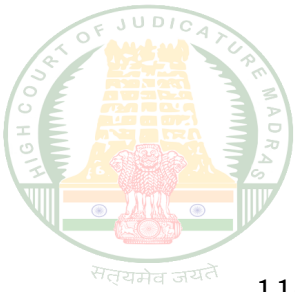
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113. The report submitted by Dr.N.Sureshkumar assumes considerable significance. The assessment reveals that victim XXXX:

- (i) remained fully cooperative throughout counselling;
- (ii) was emotionally stable;
- (iii) possessed normal intellectual capacity with IQ of 90;
- (iv) exhibited no trauma-related symptoms;
- (v) showed no major psychopathology; and
- (vi) displayed normal behavioural parameters.

114. The counselling process appears to have provided emotional reassurance and psychological stability to the said child, thereby reinforcing the importance of trauma-sensitive therapeutic intervention in matters involving children.

115. Significantly, the Child Counsellor informed this Court that victim YYYY refused to cooperate for counselling and did not appear before the Clinical Psychologist out of fear that her elders would be prosecuted for foisting a false case. The conduct of YYYY, the alleged victim in this case, at the instance of her parents and elders at home cannot be brushed aside lightly.



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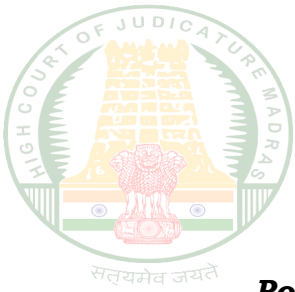
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116. Though ordinarily non-cooperation by itself may not become conclusive, in the peculiar factual matrix of the present case, the refusal assumes enormous significance when viewed cumulatively along with:

- (i) the admitted existence of rival POCSO complaints;
- (ii) registration of both crimes on the same day;
- (iii) the response of the respondent police before this Court;
- (iv) the surrounding circumstances emerging during counselling; and
- (v) the overall factual narrative.

117. The cumulative circumstances emerging from the records create substantial doubt regarding the sustainability of the prosecution, thereby warranting interference under Section 528 BNSS.

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



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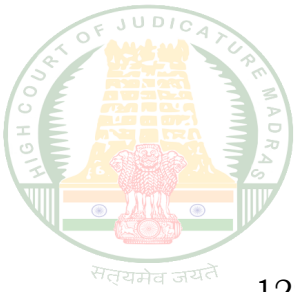
***Point for consideration:***

119. The principal point that arises for consideration is whether continuation of the prosecution in Spl.S.C.No.1 of 2024 would amount to abuse of process of Court warranting interference under Section 528 BNSS?

***Analysis:***

120. The POCSO Act is not an ordinary penal legislation. It is a constitutional commitment towards preservation of childhood dignity. The statute recognises that a child subjected to sexual exploitation carries psychological scars far beyond physical injury. Equally, a child compelled to repeatedly narrate a false sexual narrative at the instance of adults may also suffer emotional confusion, social fear, shame and psychological burden.

121. The investigating machinery must therefore display the highest degree of sensitivity before registering allegations under the POCSO Act. Registration of “case and counter case” under the POCSO Act, without careful preliminary assessment, reflects insufficient institutional sensitivity.



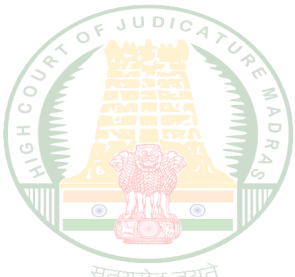
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122. This Court is constrained to observe that the respondent police, particularly officers attached to the All Women Police Station, Usilampatti, Madurai, have displayed complete insensibility towards:

- (i) the object of the POCSO Act;
  - (ii) the social consequences of POCSO prosecution;
  - (iii) the emotional wellbeing of child victims;
  - (iv) the trauma associated with repeated recording of statements under Sections 161 and 164 Cr.P.C.;
  - (v) the stigma of being involved in sexual offence proceedings;
- and
- (vi) the statutory safeguard under Section 22 of the POCSO Act concerning false complaints.

123. The respondent police appear to have registered rival POCSO complaints as though they were ordinary factional FIRs. Such conduct strikes at the very soul of child protection jurisprudence. The continuation of the present prosecution would therefore amount to gross abuse of process of Court. This Court is satisfied that the present case falls within the categories recognised



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in **State of Haryana v. Bhajan Lal**<sup>2</sup> warranting exercise of inherent jurisdiction.

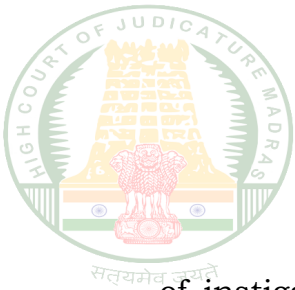
124. In view of the serious institutional concerns emerging in the present matter, this Court *suo motu* impleads:

(i) The Secretary to Government, Department of Home, Prohibition and Excise, Fort St. George, Chennai; (ii) The Secretary, Directorate of Social Welfare, Fort St. George, Chennai; (iii) The Secretary, Department of Law and Justice, Fort St. George, Chennai; (iv) The Commissioner of Police, Madurai, The Superintendent of Police, Thoothukudi District, as respondent Nos.3 to 7 respectively. Registry is directed to carry out the necessary amendments in cause title. Mr.B.Saravanan, learned Additional Advocate General takes notice for respondents 3 to 7.

125. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Spl.S.C.No.1 of 2024 are hereby quashed. The 7<sup>th</sup> respondent /Superintendent of Police, Thoothukudi District, shall examine the materials placed before this Court and conduct an appropriate enquiry regarding the allegations

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<sup>2</sup> 1992 Supp(1) SCC 335



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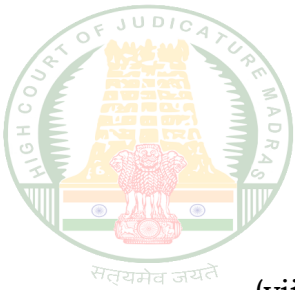
of instigation and coercion attributed to the persons named in the counselling report and thereafter proceed in accordance with law, if any cognizable offences are disclosed.

126. The enquiry shall specifically examine offences relatable to false information, fabrication of evidence and offences under Section 22 of the POCSO Act. The investigation shall be completed within four weeks from the date of receipt of a copy of this order. Compliance report shall be filed before this Court on 01.08.2026. Respondent Nos.3, 4 and 5 shall consider framing and formulating a coordinated State-wide sensitisation programme titled:

“SINGAPEN SENSITISATION WORKSHOP”

127. The workshops shall focus upon:

- (i)trauma-sensitive implementation of the POCSO Act;
- (ii)child psychology and emotional wellbeing;
- (iii)responsible handling of child victims;
- (iv)prevention of misuse of POCSO provisions;
- (v)sensitivity during recording of statements;
- (vi)ethical child interviewing techniques; and



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(vii) awareness regarding Section 22 of the POCSO Act.

128. The workshops shall be conducted in phased manner for:

- (i) all the female police officers in the State of Tamil Nadu from the cadre of Superintendent of Police and below;
- (ii) Regional Psychologists attached to the Department of Child Welfare and Special Services;
- (iii) all District Social Welfare Officers;
- (iv) Protection Officers appointed under the Protection of Women from Domestic Violence Act; and
- (v) all District-level Chairpersons and Members of Child Welfare Committees.

129. Respondent Nos.3 to 5 are directed to consider formulating a coordinated sensitisation and training programme for stakeholders involved in implementation of the POCSO Act, focusing upon trauma-sensitive investigation, child psychology, ethical interviewing practices, prevention of secondary victimisation, and awareness regarding Section 22 of the Act. The Inspector General of Police, Singaperumal Special Striking Force and the Secretary,

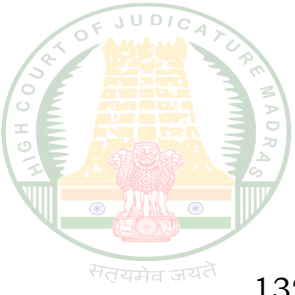


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Directorate of Social Welfare shall jointly coordinate implementation of the training programme throughout the State.

130. In the result, the present case should serve as a wake-up call to all stakeholders functioning within the child protection framework, more particularly police officers, counsellors, welfare authorities, prosecutors and institutions entrusted with the care of children. The counselling process undertaken in the present case demonstrates that children require reassurance, emotional safety and therapeutic support, and not mechanical exposure to repetitive legal procedures. The law must therefore move beyond procedural compliance and evolve into a child-sensitive justice system rooted in compassion.

131. Childhood is not a battlefield for adult vengeance. Courts, institutions and society alike bear a collective constitutional duty to ensure that children are protected not only from sexual offences, but also from the emotional violence of fabricated accusations and irresponsible institutional processes.



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132. With the above observations and directions, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions, if any, shall stand closed. The report of the child counsellors and the clinical assessment shall form a part and parcel of this order.

***Common epilogue:***

133. Before concluding this compendium, this Court considers it necessary to reiterate that the present exercise is fundamentally rooted in child welfare, institutional sensitivity, and constitutional responsibility. The objective of these orders is not to weaken the implementation of the POCSO Act, but to strengthen its humane and child-centric enforcement through deeper institutional introspection.

134. The cases forming part of this compendium collectively reveal that the protection of children cannot be achieved merely through the mechanical invocation of penal provisions. True child protection lies in the manner in which institutions respond to children after the legal process begins. The justice system must therefore evolve from being merely accusation-centric into becoming

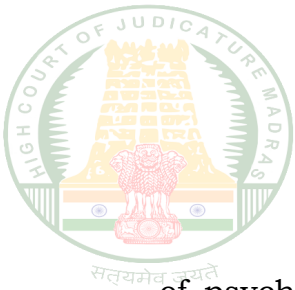


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genuinely child-sensitive, trauma-informed, rehabilitative, and psychologically aware.

135. The Court is deeply conscious that every child entering the criminal justice system carries emotional vulnerability that cannot be measured through procedural records alone. A child repeatedly exposed to investigation, medical examination, counselling, adversarial questioning, family conflict, social stigma, and institutional interaction may silently endure emotional consequences far beyond the comprehension of conventional legal processes. The justice delivery system must therefore recognise that child welfare extends beyond punishment of offenders and includes emotional recovery, psychological reassurance, educational continuity, social reintegration, and restoration of dignity.

136. The present matters demonstrate that several stakeholders functioning within the child protection framework continue to face significant institutional challenges, including lack of specialised expertise, insufficient trauma-sensitive training, operational inadequacies, fragmented welfare coordination, absence of sustained rehabilitative mechanisms, and inadequate integration



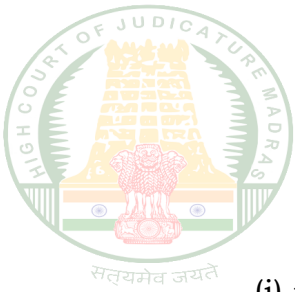
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of psychological support systems within criminal procedure. These shortcomings are not merely administrative concerns; they directly impact the emotional lives of children who depend upon institutional protection.

137. This Court therefore emphasises that implementation of the POCSO Act requires collective constitutional participation from every stakeholder:

- (i) police officers must investigate with caution and sensitivity;
- (ii) prosecutors must proceed with responsibility and fairness;
- (iii) counsellors and psychologists must be integrated meaningfully rather than symbolically;
- (iv) welfare authorities must actively monitor rehabilitation;
- (v) educational institutions must support emotional continuity;
- (vi) policy makers must address legislative and structural gaps;
- (vii) academicians must engage in empirical and interdisciplinary research;
- (viii) and Courts themselves must adopt welfare-centric adjudicatory approaches rooted in constitutional compassion.

138. The Court hopes that this compendium shall become a useful resource for:



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- (i) judicial academies;
- (ii) police training institutions;
- (iii) criminology departments;
- (iv) law universities;
- (v) psychology researchers;
- (vi) child rights organisations;
- (vii) welfare administrators;
- (viii) and all institutions involved in implementation of child protection laws.

139. The present orders are intended to stimulate constructive discourse regarding:

- (i) trauma-sensitive criminal justice administration;
- (ii) child psychology within adversarial litigation;
- (iii) prevention of secondary victimisation;
- (iv) counselling and rehabilitation models;
- (v) institutional coordination mechanisms;
- (vi) and welfare-centric interpretation of child protection statutes.

140. This Court firmly believes that the future strength of the POCSO regime will depend not merely upon the severity of



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punishments prescribed in statute books, but upon the sensitivity, sincerity, expertise, and humanity with which the institutions of the State treat children who come within the justice system. Childhood is fragile, so institutions dealing with children must therefore function not with mechanical rigidity, but with constitutional tenderness.

141. The true success of child protection jurisprudence will not be measured solely by conviction statistics, but by whether children emerging from the justice system feel protected, heard, reassured, rehabilitated, and emotionally safe. For ultimately, the greatest constitutional obligation of every civilised society is not merely to punish wrongdoers, but to preserve the dignity, emotional well-being, and future of its children.

142. This Court fervently hopes that the “Singapen Sensitisation Workshops” directed through this order become not a mere administrative exercise, but the beginning of a larger institutional transformation in the manner in which child-related offences are perceived, investigated and handled across the State. Nothing contained in this compendium shall be construed as diluting



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the seriousness of genuine prosecutions under the POCSO Act or the statutory protections available to children under the Act.

143. With these observations, this Court concludes the matter, hoping that the present proceedings shall serve not merely as an adjudication of individual rights and liabilities, but as a reminder to every institution that the protection of children is not an administrative obligation alone, but it is a constitutional covenant, a moral imperative, and the highest test of a humane society.

144. This Court places on record its deep appreciation for the valuable assistance rendered by Ms.Mohana Priya, Regional Psychologist, Department of Child Welfare and Special Services, Madurai, and Ms.P.Prema Latha, Chairperson, Child Welfare Committee, Madurai, who were appointed as Child Counsellors in these proceedings. Both the Child Counsellors have discharged their responsibilities with remarkable sensitivity, professional competence, patience, and unwavering commitment towards the welfare, psychological well-being, and rehabilitation of the children concerned. Their interaction with the victims was not merely



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institutional in character, but reflected a humane and child-centric approach founded upon empathy, trust-building, emotional reassurance, and psychological care.

145. Accordingly, this Court places on record its heartfelt appreciation and commendation for the exemplary services rendered by the aforesaid Child Counsellors in aid of justice, child protection, and restorative care.

146. In fine, CrI.O.P.(MD)No.3924 of 2026 is allowed;

CrI.O.P.(MD)No.3628 of 2026 is disposed of;

CrI.O.P.(MD)No.3769 of 2026 is allowed; and

CrI.O.P.(MD)No.21788 of 2025 is allowed.

**01.06.2026**

NCC : Yes / No

Index : Yes / No

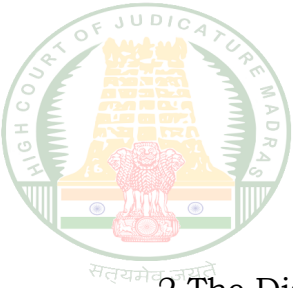
Internet : Yes/ No

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To

1. The Inspector of Police,  
Thiruchendur AWPS – Police Station,  
Thoothukudi District.

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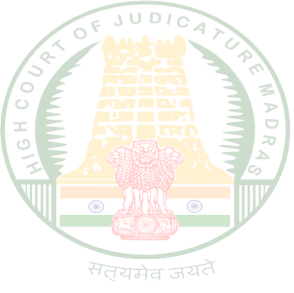
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- 2.The District Social Welfare officer,  
Thoothukudi.
- 3.The Superintendent of Police,  
Thoothukudi.
- 4.The Secretary to Government,  
Department of Home,  
Prohibition and Excise,  
Fort St. George, Chennai.
- 5.The Secretary,  
Directorate of Social Welfare,  
Fort St. George, Chennai.
- 6.The Secretary,  
Department of Law and Justice,  
Fort St. George, Chennai.
- 7.The Inspector of Police,  
AWPS – Fort Police Station,  
Tiruchirappalli District.
- 8.The Inspector of Police,  
Theni Police Station,  
Theni.
- 9.The Secretary,  
Bar Council of Tamilnadu and Puducherry,  
Chennai.
- 10.The Secretary,  
Kerala Bar Council.
- 11.The Superintendent of Police,  
Tiruchirappalli District.
- 12.The Inspector of Police,  
AWPS – Pudukottai,  
Pudukottai District.



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- 13.The District Social Welfare Officer,  
Pudukkottai District.
- 14.The District Collector,  
Pudukkottai.
- 15.The Inspector of Police,  
Usilampatti All Women Police Station,  
Usilampatti,  
Madurai District.
- 16.The Secretary to Government,  
Department of Home,  
Prohibition and Excise,  
Fort St. George,  
Chennai.
- 17.The Secretary,  
Directorate of Social Welfare,  
Fort St. George,  
Chennai.
- 18.The Secretary,  
Department of Law and Justice,  
Fort St. George,  
Chennai.
- 19.The Commissioner of Police,  
Madurai.
- 20.The Superintendent of Police,  
Thoothukudi District.
- 21.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

Sml

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**01.06.2026**

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