



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.1477 of 2025

Murugesan

...Petitioner

Versus

State Rep. by
The Sub Inspector of Police,
Anupparpalayam Police Station,
Tiruppur.

...Respondent

This Criminal Revision Case is filed under Section 438 r/w. 442 of BNSS, 2023 praying to set aside the Judgment dated 21.06.2025 in Criminal Appeal No.256 of 2023 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur confirming the Judgment dated 16.05.2023 in C.C.No.33 of 2018 passed by the learned Judicial Magistrate, Additional Mahila Court, Tiruppur.

For Petitioner : Mr.P.Thinesh

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case has been filed by the Petitioner/Accused seeking to set aside the Judgment dated 21.06.2025 in Criminal Appeal No.256 of 2023 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, confirming the Judgment dated 16.05.2023 in C.C.No.33 of 2018 passed by the learned Judicial Magistrate, Additional Mahila Court, Tiruppur.

2. The brief facts of the case are that on 22.09.2015, one Ms.Sangeetha (*de facto* complainant) had lodged a complaint to the Respondent Police stating that on 20.09.2015, at around 6.00 p.m., Petitioner/Accused had abused her in filthy language and he had assaulted her and caused minor injuries to her. Based on the complaint of *de facto* complainant, Respondent Police had registered a case in Crime No.959 of 2015 under Sections 294(B), 323 of IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act against the Petitioner/Accused. Then, the Investigating Officer took up the case for investigation and after the completion of investigation, the Investigating Officer had filed the Final Report before the learned Judicial Magistrate, Additional Mahila Court,



Tiruppur. The said Final Report was taken on file in C.C.No.33 of 2018.

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3. Before the Trial Court, on the side of prosecution, *de facto* complainant examined herself as P.W.1 and 8 other witnesses were examined as P.W.2 to P.W.9 and 7 documents were marked as Exs.P1 to P7. On the side of accused, no one was examined as witness and no document was marked as exhibit.

4. On appreciation of the oral and documentary evidence produced before it, Trial Court had held that prosecution has proved that the Petitioner/Accused had assaulted P.W.1 (*de facto* complainant) and caused simple injuries to her and thereby, Petitioner/Accused had committed the offence under Section 323 of IPC. Therefore, the Trial Court vide Judgment dated 16.05.2023 in C.C.No.33 of 2018, convicted the Petitioner/Accused and sentenced him to undergo 3 months simple imprisonment.

5. Aggrieved by the aforesaid judgment passed by the Trial Court, Petitioner/Accused had filed a Criminal Appeal in C.A.No.256 of 2023 before the Special Court for Trial of Cases under SC/ST (PoA) Act,



Tiruppur. However, the 1st Appellate Court vide Judgment dated 21.06.2025, dismissed the said Criminal Appeal by confirming the judgment of the Trial Court. Hence, Petitioner/Accused has filed this Criminal Revision Petition.

6. The learned counsel for Petitioner/Accused submitted that P.W.1 (*de facto* complainant) is the wife of Petitioner/Accused. There is a family dispute between the Petitioner/Accused and P.W.1 (*de facto* complainant) and thus, *de facto* complainant had lodged a false complaint against the Petitioner/Accused.

6.1. It is further submitted by the learned counsel for Petitioner/Accused that P.W.2 (younger brother of *de facto* complainant) is only a hearsay witness of the alleged incident and not an eyewitness. The Courts below have failed to note that P.W.1 (*de facto* complainant) and P.W.2 (younger brother of *de facto* complainant) are interested witnesses.

6.2. Merely based on the deposition of interested witnesses viz., P.W.1 (*de facto* complainant) and P.W.2 (younger brother of *de facto* complainant), the Trial Court had convicted the Petitioner/Accused for



commission of offence under Section 323 of IPC. Therefore, the learned counsel for Petitioner/Accused prayed that the concurrent findings of the Courts below may be set aside and this Criminal Revision Petition may be allowed.

7. On the other hand, learned Government Advocate (Crl.Side) appeared on behalf of Respondent Police submitted that without considering that the *de facto* complainant is a woman, Petitioner/Accused had abused the *de facto* complainant in filthy language and assaulted her in the public place. Though P.W.1 (*de facto* complainant) is a wife of Petitioner/Accused, the Petitioner/Accused has no right to beat her. He further submitted that before the Trial Court, it was proved by the prosecution that Petitioner/Accused had caused simple injuries to P.W.1 (*de facto* complainant) by assaulting her with his hands and thereby, Petitioner/Accused had committed the offence under Section 323 of IPC.

8. Heard the learned counsel for Petitioner/Accused and the learned Government Advocate (Crl.Side) on behalf of Respondent Police.



9. From a perusal of the materials available on record, it is seen that Petitioner/Accused and P.W.1 (*de facto* complainant) are husband and wife, but, they are not living together. From the deposition of witnesses viz., P.W.1 (*de facto* complainant) and P.W.2 (younger brother of *de facto* complainant), it is evident that the marriage of Petitioner/Accused and P.W.1 (*de facto* complainant) took place in the year 2002 and after their marriage, Petitioner/Accused was consuming alcohol regularly and under the influence of alcohol, he used to beat P.W.1 (*de facto* complainant). Due to the said activities of Petitioner/Accused, P.W.1 (*de facto* complainant) separated from Petitioner/Accused and living in her parents' house.

10. According to P.W.1 (*de facto* complainant), on 20.09.2015, at around 6.00 p.m., Petitioner/Accused had abused her in filthy language and he had also assaulted her and caused minor injuries to her.

11. P.W.2 (younger brother of *de facto* complainant) had deposed in his evidence that on the date of alleged incident, when the daughter of *de facto* complainant informed him that Petitioner/Accused had assaulted P.W.1 (*de facto* complainant), he immediately went to the house of P.W.1 (*de facto*



complainant). So, it is clearly evident that P.W.2 (younger brother of *de facto* complainant) is not an eyewitness of the alleged incident and he is only a hearsay witness which is clearly evident from the deposition of P.W.2.

12. It is to be noted that in the present case, the alleged incident had taken place on 20.09.2015, but, the *de facto* complainant had lodged the complaint only on 22.09.2015 i.e., two days after the date of alleged incident. If the alleged incident indeed took place on 20.09.2015, P.W.1 (*de facto* complainant) would have lodged the police complaint immediately on the very same day, but, P.W.1 (*de facto* complainant) did not do so. This creates a doubt that whether the alleged incident had taken place on the said date.

13. That apart, there is no sufficient independent evidence on the side of prosecution to prove that Petitioner/Accused had assaulted P.W.1 (*de facto* complainant) and caused simple injuries to her.

14. Without considering the above aspects, the Courts below have concurrently held that Petitioner/Accused had committed the offence under



Section 323 of IPC. Therefore, this Court is inclined to set aside the judgment of the Courts below and allow this Criminal Revision Petition.

15. Accordingly, Judgment dated 21.06.2025 in Criminal Appeal No.256 of 2023 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, confirming the Judgment dated 16.05.2023 in C.C.No.33 of 2018 passed by the learned Judicial Magistrate, Additional Mahila Court, Tiruppur is set aside and this Criminal Revision Petition is allowed. Consequently, Petitioner/Accused is acquitted of all charges. Fine amount, if any, paid by the Petitioner/Accused shall be refunded to him. Bail bond(s), if any, executed by Petitioner/Accused shall stand cancelled.

20.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



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To

1. The Sessions Judge,
Special Court for Trial of Cases
under SC/ST (POA) Act, Tiruppur.
2. The Judicial Magistrate,
Additional Mahila Court, Tiruppur.
3. The Sub Inspector of Police,
Anupparpalayam Police Station,
Tiruppur.
4. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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