



Crl.O.P.No.17906 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.17906 of 2026
and Crl.M.P.No.12053 of 2026

P.Venkatesan

.. Petitioner

Versus

1. The State

Rep. by its Inspector of Police,
Karumalaikudal Police Station,
Salem District.
(Crime No.109 of 2026)

2. Vasantha

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned F.I.R in Crime No.109 of 2026 dated 25.03.2026 on the file of 1st respondent Police / The Inspector of Police, Karumalaikudal Police Station, Salem District and quash the same against the petitioner.

For Petitioner : Mr.N.Krishna Moorthy

For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate (Criminal Side),
for R1



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ORDER

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This Criminal Original Petition is filed to quash the F.I.R in Crime No.109 of 2026 registered for the offences under Sections 132, 351(2) of B.N.S, 2023 read with Section 4 of the Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002.

2. Upon going through the First Information Report, it is stated that being aggrieved by the compound wall construction work that is being carried on by the School, the petitioner made a phone call to the Headmistress of the School, who is a visually challenged person and threatened her by continuing the call for 18 minutes. It is her complaint that the petitioner threatened for her life and limbs. On the strength of the said complaint, the case was registered.

3. Learned Counsel for the petitioner would submit that already, the Division Bench of this Court in W.P.No.12832 of 2026, by the order, dated 17.04.2026, has granted stay of construction of the compound wall. As far as the Harassment of Woman Act is concerned, the learned Counsel would rely upon the order, dated 01.08.2023 in Crl.O.P.No.4517 of 2022, whereby, this Court held that mere oral threat will not amount to



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harassment and especially, when it is not in a public place and only through phone.

4. Per *contra*, the learned Government Advocate (Criminal Side) for the first respondent would submit that the interim order in W.P.No.12832 of 2026 was granted only with reference to S.No.182/2. The Police is proceeding with the investigation and they have already requested for C.D.R particulars.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. As far as the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002 is concerned, there may be a prima facie case for the petitioner to rely upon the order in Crl.O.P.No.4517 of 2022, but, when visually challenged Headmistress has categorically given a complaint that the petitioner persisted with a phone call for 18 minutes and threatened her with life and limbs, this Court cannot take contrary version, given by the petitioner before this Court, as incontrovertible and entertain the quash application.



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7. Therefore, keeping open the liberty of the petitioner to take all the defences at the appropriate stage and also furnish such information, if the petitioner chooses to, to the Investigating Officer, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

13.07.2026

Neutral Citation : no
grs

To

1. The Inspector of Police,
Karumalaikudal Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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