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CRL RC No. 39 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL RC No. 39 of 2026
and Crl.M.P.No.268 of 2026**

Keerthivarman
S/o Sundararajan,
D.No.28, NGR Street,
Papanaiickenpalayam,
Coimbatore.

..Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police
AWPS Central Police Station,
Coimbatore.
2. Kavijha
D/o.Radhakrishnan,
Thandumariamman Kovil Street,
Uppilipalayam, Coimbatore.

(R2/defacto complainant is suomotu impleaded
as per the order of this court dated 09.01.2026
in Crl.RC.No.39 of 2026)

..Respondent(s)

Criminal Revision filed under Section 438 r/w Section 442 of BNSS, to set aside the order passed by the Judicial Magistrate, Additional Mahila Court, Coimbatore in Crl.MP.No.45490 of 2023 in CC.NO.1936 of 2023 dated 09.12.2025.

For Petitioner(s):

Mr.K.M.Balaji

For Respondent(s):

Mr.R.Vinothraja
Government Advocate (Crl.Side) for R1
Dr.S.S.Swaminathan for R2



ORDER

A) On 18.02.2026, this Court heard the revision and since no prima facie material was found, dictated the following order in open Court, allowing the revision.

“ The Revision has been filed challenging the discharge petition filed by the petitioner, who is facing charges for the offences under Sections 354 (A), 417, 506 (i) IPC.

2.It is the case of the prosecution that the petitioner and the victim/defacto complainant had a love affair; that the petitioner had promised the victim that he would marry her; that on the said promise, the petitioner had taken the victim to various places including cinema theatre; that on 03.09.2018, the appellant on the promise of taking the victim to Isha Yoga Centre had taken her to Kerala and had asked the victim to submit to sexual intercourse; that the appellant removed the dress of the victim and inappropriately touched the private parts of her body; that thereafter, since the victim did not accede to the demand of the petitioner, the petitioner refused to talk to her; that on 08.03.2019, when the victim's mother went to the petitioner's college, the petitioner has abused her in filthy language; that the petitioner thereafter went to the house of the victim and abused the victim; that the victim unable to bear the humiliation had attempted



to commit suicide by consuming poison; that the appellant promised the victim that he would marry her after he secured a job and thereafter, refused to marry her. The petitioner sought for discharge before the trial Court, which came to be dismissed by the impugned order.

3.The learned Magistrate found that the alleged offences are continuous in nature; that the delay in lodging the complaint would not be fatal to the prosecution; and that there is *prima facie* material to proceed against the petitioner and dismissed the discharge petition.

4.The learned counsel for the petitioner would submit that the FIR which culminated in the impugned final report was lodged on 25.07.2022; that the FIR contains details of various complaints lodged by the victim; that the said complaints were closed; that the complaint which culminated in the impugned final report has been lodged after the alleged occurrence that took place on 03.09.2018 and 08.03.2019. The learned counsel pointed out to the various complaints made by the victim earlier and the closure report of the said complaints in support of his submissions.

5.The learned Public Prosecutor *per contra* submitted that the prosecution had produced sufficient materials to show the commission of the offence under Section 354 A, 417 and 506 (i) IPC.; that the delay in lodging the complaint



cannot be the basis to discharge the petitioner; that the trial Court has to examine whether the delay is fatal to the prosecution during trial; that merely because the earlier complaints were closed, it cannot be said that the offence has been not committed and; that therefore, the impugned order refusing to discharge of the petitioner cannot be faulted.

6.This Court at the time of admission has *suo motu* impleaded the defacto complainant and issued notice to the defacto complainant. Though notice sent to the defacto complainant has been served and her name is printed in the cause-list, none has entered appearance.

7.As stated above, the only allegation with regard to inappropriate touch is said to have occurred on 03.09.2018. Thereafter, there were altercation between the petitioner on the one hand and the family members of the victim on the other hand, regarding the request made by the victim for getting her married to the petitioner. It is seen that admittedly the victim had given several complaints earlier. Even in the FIR, there is a reference to several complaints lodged by the victim against the petitioner. The FIR states that the victim had lodged a complaint as early as on 19.03.2019, when the second occurrence ie., when the occurrence relating to the petitioner abusing the victim's mother on 08.03.2019 took place. The victim has also stated about another complaint said to have been given to the Assistant Commissioner of Police on 13.09.2026 and



the fact that an enquiry was conducted calling both the petitioner and the victim.

She would also state that the petitioner had undertaken to marry the victim after completing his studies. The victim thereafter had lodged another complaint on 22.06.2020 before the All Women Police Station and she has stated that an enquiry was conducted on 01.09.2020, wherein after the complaint was closed on the promise made by the petitioner that he would marry the victim. The victim has stated about the other complaints lodged on 14.12.2020. One of the complaints given to the Women Police Station was closed on 15.03.2021, since the victim did not appear during enquiry. The relevant portion of the said enquiry report is extracted for better understanding;

“இப்புகார் மனு சம்மந்தமாக இரு தரப்பினர்களையும் விசாரிக்கப்பட்டது.

விசாரணையில் மனுதாரரின் மகளும் எதிர்மனுதாரரும் 2019 ம் வருடம் நடைபெற்ற

விசாரணையில் தங்களுக்குள் சுழுகமாக செல்கிறோம் என்று எழுத்து மூலமாக எழுதிக்

கொடுத்து சென்றுள்ளனர். அதன் பின்பு இரண்டு வருடமாக அவர்களுக்குள் எந்தவித

தொடர்பும் இல்லை எனவும், மனுதாரரின் மகளும் எதிர்மனுதாரரும் தொலைப்பேசி

மூலமாகவோ நேரிலோ பார்க்கவோ பேசவோ இல்லை எனவும் தெரிவித்தனர்.

எதிர்மனுதாரர் தான் மனுதாரரின் மகளிடம் தான் எந்தவித தவறான தொடர்பும்

வைத்துக்கொள்ளவில்லை எனவும் கல்லூரியில் படிக்கும் பொழுது நண்பர்களாக

பழகியதாகவும், மனுதாரரின் மகள் தான் தன்னை திருமணம் செய்யக் கோரி 2019ம்

வருடம் புகார் கொடுத்ததாகவும், அப்பொழுது தான் படித்து முடித்து வேலை

கிடைத்தவுடன் இரு குடும்பத்தாரும் பேசி நல்ல முடிவு எடுப்பதாக தான்

தெரிவித்ததாகவும் தற்பொழுது நீதிமன்றத்தில் மனு தாக்கல் செய்துள்ளார்.

மேலும் இப்புகார் மனுசம்மந்தமாக அரசு சட்ட வழக்குரைஞர் மற்றும் சட்ட ஆலோசகரிடம்

கருத்துரை கேட்டபோது சட்டப்படி எதிர்மனுதாரர் மீது நடவடிக்கை எடுக்க போதிய

ஆவணங்கள் இல்லாததாகவும் மனுதாரர் மறு நாள் விசாரணைக்கு வருவதாக கூறி



மீண்டும் விசாரணைக்கு வரமறுத்துவிட்டார். எனவே பார்வையில் கண்ட மனு மீது விசாரணை முடிக்கப்பட்டு கோப்பில் சேர்க்குமாறு கேட்டுக்கொள்ளப்படுகிறது.”

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8. Therefore, this Court is of the view that the allegations with regard to the alleged assault on 03.09.2018 is an afterthought. All the earlier complaints given by the victim, which are mentioned above, would show that there is no allegation with regard to the alleged sexual harassment on the victim on 03.09.2018. The copies of the earlier complaints have been filed by the petitioner, which is not disputed by the prosecution. Therefore, this Court is of the view that the allegations with regard to the harassment is an afterthought and has been belatedly made four years after the occurrence and therefore, there is no ground to proceed against the petitioner for the said offence.

9. As regards the offence under Section 506 (i) IPC, admittedly, the petitioner and the victim were known to each other. The victim had given several complaints earlier. The offence of criminal intimidation also not made out as there was no real threat caused to the victim. In this regard, this Court, in the case of **Noble Mohandass vs. State** reported in **1989 Cri.Lj 669**, had held as follows:

“7. Further for being an offence under Section 506(2) which is rather an important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering



it does exactly mean what he says and also when the person at whom threat is launched does not feel threatened actually.”

Therefore, the offence under Section 506(i) IPC is not made out.

10.As regards the offence under Section 417 IPC, it is not the case of the victim that the appellant had practised any deception. The petitioner and the victim were both studying in an Engineering College. The victim was aware of the consequences of her relationship with the petitioner. The consensual relationship was not only due to the promise of marriage. The fact that the relationship subsequently turned sour and the petitioner had breached his promise would not amount to deception to prosecute the petitioner for the offence under Section 417 IPC. As stated above, the victim had given several complaints, which were closed and the complaint given after three years after the severance of the relationship lacks bonafides and in any case, it does not disclose any of the offence for which the petitioner is sought to be prosecuted.

11.Hence, this Court is inclined to set aside the impugned order and discharge the petitioner of the offences under Section 345(A), 417 & 506(i) IPC in CC.No.1936 of 2023.

12.Accordingly, the Revision is allowed. Consequently, the connected criminal miscellaneous petition is closed.”



B) Before the abovesaid order was signed, on 19.02.2026, the learned counsel for the defacto complainant made a mention stating that though he had filed his Vakalat, his name was not shown in the cause list, therefore he could not appear on the date of hearing. However, it is seen that the vakalat was filed belatedly and hence it was returned. Nevertheless, this Court was inclined to hear the learned counsel for the defacto complainant and hence, the revision was listed today i.e., on 20.02.2026.

C) Today, the learned counsel for the defacto complainant submitted that since the petitioner and the victim had a long standing relationship, one more opportunity may be given to the parties to mediate their dispute; and that the allegations constitute the offences mentioned in the final report and therefore, he submitted that the impugned order passed by the learned Magistrate does not call for any interference.

D). As could be seen from the order dictated by this Court on 18.02.2026, this Court had considered the case on merits and the above submission of the learned counsel for the defacto complainant would not affect the decision taken earlier in any manner.

E) As regards the request for sending the parties to mediation, this Court is of the view that considering the nature of allegation, the parties cannot be sent



to mediation under a threat of prosecution, especially when no offence is made out.

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F) Therefore, this Court reiterates the order passed earlier on 18.02.2026 and the Criminal Revision Case is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

G) The order that is passed today shall be treated as final order and shall be furnished to the parties concerned, accordingly.

20-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU/tsg/ars

To

1. The Judicial Magistrate,
Additional Mahila Court, Coimbatore,
2. The State Rep By, The Inspector of Police
AWPS Central Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

ANU/ars

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