

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.20416 of 2016

R.Nandakumar

... Petitioner

Vs.

1. State rep. by Inspector of Police,
Government Railway Police Station,
Egmore, Chennai.

2. Mrs.D.Jeeva,

3. Mrs.Banumathi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C praying to quash the entire proceedings in FIR in GRP (Egmore) P.S. in Crime No.222 of 2016 registered by the 1st respondent.

For Petitioner : M/s.M.Manivasagam Associates

For R1 : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the entire proceedings in FIR in GRP (Egmore) P.S. Crime No.222 of 2016 registered by the 1st respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that the petitioner is working as Senior Officer in the Southern Railway and he was travelling in HA1 Coach A Cabin in Train No.16860 from Srirangam to Chennai Egmore. At that time, the de facto complainant and her mother entered into the said compartment as they were holding a seat in the same coupe. At that time, the petitioner has misbehaved with the ladies by touching their bodies and despite the protest by the de facto complainant, the Railway Officials did not come to her rescue.

4. Ultimately, after much hue and cry was made by the de facto complainant, FIR has been registered in Cr.No.222 of 2016 for the offences u/s 354 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 by the respondent police, challenging which, the petitioner is before this Court on the ground that he has arrived at a compromise with the de facto complainant. The Compromise memo has been filed before this Court.

5. This Court in Mohammed Anzer Vs. State (2015(3) MLJ (Crl) 704) has held that was if the parties have arrived at a compromise, the court cannot quash the prosecution without going into the gravity and nature of the offence.

6. In this case, the petitioner, who is a Senior Railway Official ought to have behaved with a sense of duty when women entered into the compartment, whereas, it is alleged that he had misbehaved with them.

7. Under such circumstances, it is not a fit case to quash the prosecution on the ground that the parties have arrived at a compromise.

8. Learned Additional Public Prosecutor submitted that the FIR has been initially registered by the Railway Police, Egmore after great hesitation and thereafter, the case has been transferred to the file of the Inspector of Police, Villupuram.

9. It is seen that this petitioner is a Senior Officer in the Southern Railway and therefore, the Railway Police are not properly investigating the case. The learned counsel for the de facto complainant submitted that the de facto complainant has signed the compromise memo not because the incident did not take place but because her family life with her husband has been seriously affected because of this case. The predicament in which the de facto complainant is in is quite understandable. Indian women cannot be equated with those in the West and such incidents do affect the normal life of an ordinary Indian woman. The Railway Police is directed to transfer the case in Cr.No.222 of 2016 from the file of Egmore (GRP) Police Station to the file of the Deputy Commissioner, Central Crime Branch, Egmore, Chennai within two weeks from the date of receipt of a copy of this order.

10. The Deputy Commissioner, Central Crime Branch, Chennai shall allot the case to a competent Woman Inspector of Police for thorough investigation. The de facto complainant deserves to be respectfully treated by the Police and if required counseling should be given to her husband also.

11. With the above directions, this Criminal Original Petition stands dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmi

To

1. The Inspector of Police,
Government Railway Police Station,
Egmore, Chennai.
2. The Superintendent of Police,
Egmore (GRP Chennai) Police Station
Chennai.
3. The Deputy Commissioner of Police,
Central Crime Branch,
Egmore, Chennai.
4. The Public Prosecutor
High Court, Chennai.

+2 ccs to Mr.M.Manivasagam Associates sr15641 dt 21/09/2016
+1 cc to Mr.R.Prabakaran Advocate sr 15642 dt 21/09/2016

सत्यमेव जयते

Cr1.O.P.No.20416 of 2016

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