



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.8303 of 2017

M.Michael Santha Forgia .. Petitioner

Vs.

1. The State rep. By,
The Inspector of Police,
Perumal Puram Police Station,
Tirunelveli City.
(Crime No.523 of 2010).

2.Gadaffi Malik .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the judgment delivered by the Additional Mahila Court, Tirunelveli in C.C.No.422 of 2013 dated 17.02.2016 and set aside the same in so far as it relates to be imposition of punishment for the penal clause charged therein and relates to the acquittal of Section 506 (ii) of IPC and consequently remit the aforesaid case to the trial Court for awarding appropriate punishment.

For Petitioner : Mr.P.Gunasekaran

For R - 1 : Mr.K.Guru,
Additional Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for the records relating to the Judgment passed in Calendar Case No.422 of 2013 dated 17.02.2016 by the Additional Mahila Court, Tirunelveli and set aside the same, by way of issuing a Writ of Certiorari.



2.It is seen from the records that the second respondent has been arrayed as sole accused in Calendar Case No.422 of 2013 on the file of the Additional Mahalir Neethimanram, Tirunelveli. The trial Court, after considering the evidence available on record, has found the second respondent guilty under Sections 294 (b) and 353 of the Indian Penal Code and also under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and imposed punishment. But the trial Court has acquitted the second respondent under Section 506(ii) of the Indian Penal Code. Further it is seen from the records that one Ulagarani is a defacto complainant.

3.Considering the fact that the said Ulagarani is a defacto complainant, she is a competent person to prefer any appeal against the order of acquittal passed in respect of Section 506 (ii) of the Indian Penal Code, but the present petitioner, even without having any *locus standi*, has illegally filed the present petition so as to set aside the Judgment passed in Calendar Case No.422 of 2013 and therefore this Court feels that the present Writ Petition is not legally maintainable and the same deserves to be dismissed.

4.In fine, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Additional Mahila Court Judge,
Tirunelveli

2.The Inspector of Police,
Perumal Puram Police Station,
Tirunelveli City.
Thoothukudi District.

+1cc to The Spl.Government Pleader. Sr.No.60570

PS

VB/MR/SAR1/03.07.2017/2P/4C

ORDER MADE IN
W.P (MD) No.8303 of 2017
15.06.2017