

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.16621 of 2018

Shaji KM

.. Petitioner

vs.

1.State by : Sub Inspector of Police
Salem Police Station
Crime No.21/2018, GRP Chennai

2.Priya Thakkam

... Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in C.C.No.69 of 2018 pending on the file of the learned Additional Mahila Court, Salem and quash the same.

For petitioner

M.B.Mohan

For R1

Mrs.Kritika Kamal, P.

Government Advocate [Crl.Side]

For R2

Mr.V.G.Anbarasu

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.69 of 2018 pending on the file of the learned Additional Mahila Court, Salem and quash the same.

2. On the complaint lodged by the second respondent, the first respondent police registered a case in Cr.No.21 of 2018 on 04.02.2018 and after completing the investigation, have filed a charge sheet in C.C.No.69 of 2018 before the Additional Mahila Court (Magisterial level), Salem for the offence under Section 354-A IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, for quashing which, this petition has been filed on the ground that the parties have arrived at a compromise.

3. Today, Mr.R.Appusamy, Sub-Inspector of Police, Salem Railway Police Station, is present. The accused and the second respondent/de facto complainant are also present.

4. It is the case of the de facto complainant that she was a passenger in Mangalore Mail [Train No.12601] and was going from Chennai to Calicut on 03.02.2018; she was occupying the upper berth and the accused was occupying the middle berth; the accused put his hand on her in the midnight and sexually harassed her and on the complaint given by her to the TTE, the case was registered as stated above.

5. Under normal circumstances, this Court would not interfere in a case of this nature and quash the prosecution just because the parties have arrived at a compromise. However, the de facto complainant, who is present in the Court, stated that she does not want to precipitate the matter further and that her parents and the family members of the accused had sat together and had decided to amicably resolve the issue. She stated that she would be satisfied if the accused renders unconditional apology for his misbehaviour. The accused, who is present in this Court, has filed an affidavit expressing his unconditional apology, which reads as under:

"3. I hereby tender my unconditional apology for the unfortunate incident that took place on the intervening night of 30.02.2018 in Train No.12601 which I understand has caused trauma to the second respondent.

4. I hereby request the second respondent to condone any wrongful actions from my side on the fateful night of 03.02.2018 on board Train No.12601 and for which act of grace from the second respondent, I will be ever so grateful to her.

5. I have never been involved in any criminal act nor have I been booked for any case throughout all my life till this fateful incident which I deeply regret.

I therefore pray that this Hon'ble Court may be pleased to take this affidavit of unconditional apology on file and pass orders sympathetically considering my family circumstances and thus render justice."

That apart, the accused is an army man and he was arrested and remanded to custody and suffered incarceration for seven days.

In view of the above, this petition is allowed and the proceedings in C.C.No.69 of 2018 on the file of the Additional Mahila Court, Salem is hereby quashed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

gms

To

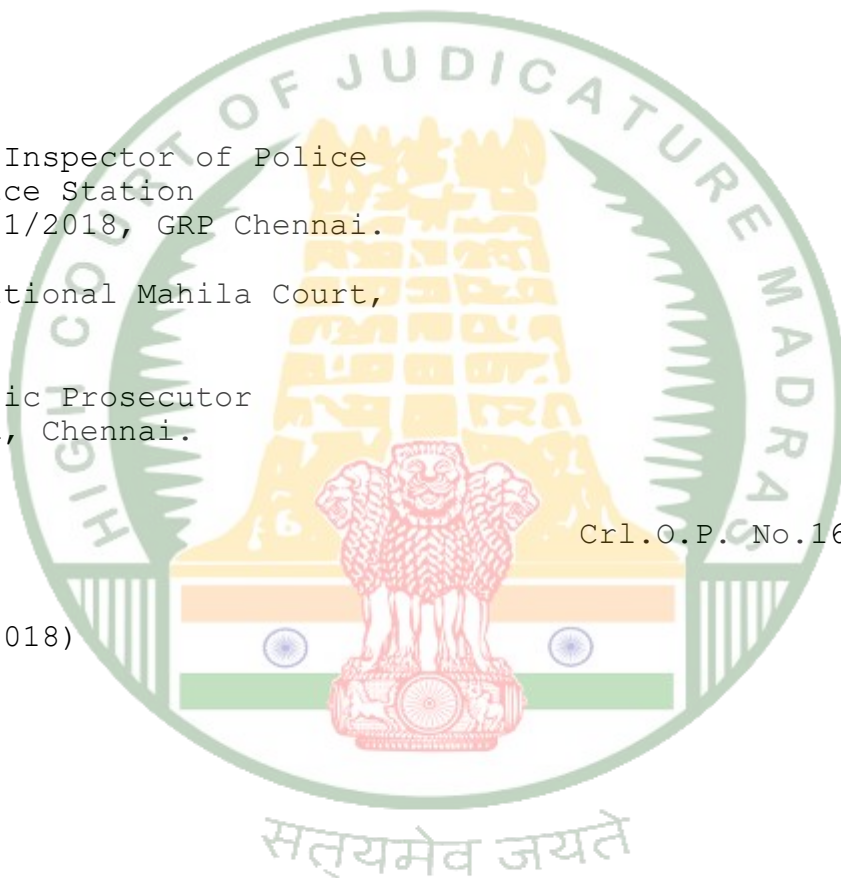
1.The Sub Inspector of Police
Salem Police Station
Crime No.21/2018, GRP Chennai.

2.The Additional Mahila Court,
Salem.

3.The Public Prosecutor
High Court, Chennai.

Cr1.O.P. No.16621 of 2018

PVS (CO)
TR(17/07/2018)



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