



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Cr1.O.P(MD) . No.13745 of 2015

and

MP(MD)Nos.1 and 2 of 2015

WEB COPY

A.Maria Francis

... Petitioner/Accused

Vs

1.The State Rep. by
The Inspector of Police,
Thiruvidaimarudur Police Station,
Thanjavur District.
(Crime No.278 of 2012)

2.Sowmiya Little Flora

... Respondents

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to C.C.No.315 of 2014, on the file of the learned Magistrate, Kumbakonam, Thanjavur District and quash the same.

For Petitioner : M/s.Veera Kathiravan
Senior Counsel for M/s.Veera Associates

For Respondents : Mr.A.Robinson
Government Advocate (Cr1. Side)for (R1)
No Appearance (for R2)

ORDER

The petitioner is facing trial in C.C.No.315 of 2014, on the file of the learned Judicial Magistrate, Kumbakonam, for the offences under Section 4(1) of Tamil Nadu Women Harassment (Prevention) Act. The second respondent herein is the de-facto complainant.

2.Heard the learned Senior Counsel appearing for the petitioner and the learned Government Advocate (Cr1. side) appearing for the first respondent. The second respondent who is the de-facto complainant has not chosen to enter appearance, even though she has been served.

3.The petitioner herein is the Director of Sacred Heart Nursing Training College, Muthupillai Mandapam, Kumbakonam, Thanjavur District. The second respondent herein was then a student in the said institution in the year 2012. The case of the petitioner is that the second respondent was suspended from the college in view of



the act of indiscipline. As counter blast, the second respondent herein lodged criminal case against the petitioner herein, which was registered in Crime No.278 of 2012. The respondent police investigated the said case and filed final report against the petitioner and cognizance of the offences was taken by the learned Judicial Magistrate, Kumbakonam, Thanjavur District.

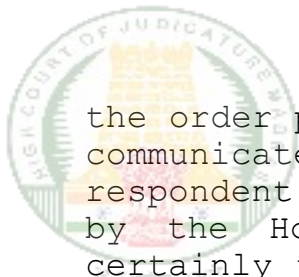
4.The learned Senior Counsel pointed out that the students challenged the disciplinary action taken by the College Management by filing writ petition. The second respondent herein had also filed a writ petition. These writ petitions filed by the student were allowed. Challenging the same, the Management filed W.A.(MD) Nos.1106 to 1109 of 2012. The second respondent was shown as the first respondent in W.A(MD)No.1107 of 2012. By an order dated 03.04.2013, the Hon'ble Division of this Court disposed of the writ appeals in the following terms:-

"The Management of the College as well as the first respondent in the respective writ appeals who are the students in the appellant nursing college, have filed their respective affidavits before this Court. As far as the College is concerned, they have stated that the male administrative officers of the nursing college would not enter the girls' hostel premises after 6.00 pm and in case of emergency, at the request of the Warden/Principal, the administrative officers would enter into the hospital in the night and even in such circumstances, they shall do the inspection in the presence of the female administrative officers.

2.On their part, the students have filed their affidavit before this Court that they would withdraw all the cases against the college. Pursuant to the compromise made on the intervention of the well-wishers, they have also given an undertaking that they would observe discipline and decorum inside the college campus and would not indulge in any activity which would tend to bring down the prestige of the institution.

Recording, the undertaking given in the affidavits by the appellant as well as the respective first respondent in each of these writ appeals, the writ appeals stand closed and the order of the learned Single Judge stands set aside. No costs. Connected M.P.(MD)Nos.1,1,1 and 1 of 2012 and M.P.(MD)Nos.1, 1,1 and 1 of 2013 stand closed."

5.Before the Hon'ble Division Bench a solemn undertaking was given by the students concerned that they would withdraw their criminal complaints against the College Management. It appears that



the order passed by the Hon'ble Division Bench of this Court was not communicated to the Thiruvudaimarudur Police Station. Had the first respondent been on notice and knew the order dated 03.04.2013 passed by the Hon'ble Division Bench in the aforesaid writ appeals, certainly the cases would not have culminated in a final report. In view of the consensus and compromise arrived at between the parties before the Division Bench, I am of the view that continuance of the impugned prosecution cannot be permitted. In this view of the matter the impugned prosecution stands quashed. This Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

sjj

To

1.The Judicial Magistrate, Kumbakonam, Thanjavur District.

2.The Chief Judicial Magistrate, Tanjore at Kumbakonam

3.The Inspector of Police,
Thiruvudaimarudur Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-95045[F]
dated 31/10/2019)

sjj

Crl.O.P(MD) . No.13745 of 2015
30.10.2019

SMA/11/12/19/3P/6C