



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P. (MD) .No.8765 of 2016

and

Crl.M.P. (MD) .No.4273 of 2016

1.M.Naganathan

2.S.Pandi

3.Sundar Raj

...Petitioners / Accused Nos.1 to 3

Vs.

1. The State represented by

The Inspector of Police,

Thondi Police Station,

Ramanathapuram District. ...Respondent-1 / Complainant

2.C.Ishwarya

...Respondent-2 /De facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the case in C.C.No.16 of 2016, pending before the learned Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District, in Crime No.51 of 2014, on the file of the first respondent i.e., the Inspector of Police, Thondi Police Station, Ramanathapuram District and quash all the further proceedings as against the petitioners.

For Petitioners : Mr.K.Ramanathan

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

For R-2 : No Appearance

O R D E R

This petition has been filed to quash the proceedings in C.C.No.16 of 2016, pending before the Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District in Crime No.51 of 2014, on the file of the first respondent i.e., the Inspector of Police, Thondi Police Station, Ramanathapuram District.



2. The petitioners herein are arrayed as accused in this case. Based on the complaint given by one C.Ishwarya, alleging that the petitioners herein on 16.03.2014, at about 04.00 p.m., came to the Oorani, while she was taking bath, harassed her, outraged her modesty, they tore her blouse and hit her with chappal, used filthy language and threatened her with dire consequences.

3. The case was registered under Sections 294(b), 354, 355 and 506 (i) I.P.C. and Section 4 of the Women Harassment Act as against the first accused and under Section 506 (i) I.P.C. and Section 4 of the Women Harassment Act against Accused Nos.2 and 3. After the investigation, final report was filed by the respondent Police and the same was taken on file by the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District in C.C.No.16 of 2016.

4. The accused have filed the present petition to quash the further proceedings on the ground that the First Information Report *prima facie* does not constitute any offence against the petitioners and it does not disclose any cognizable offence. The criminal proceeding is manifestly contained with malafides and has been instituted maliciously, abusing the process of law. The independent witnesses viz., Kaliyammal and Rajendran have not spoken about any specific word uttered by the petitioners herein, which will amount to abusing her with filthy language or threatening her with dire consequences. It was only a wordy quarrel between the *de facto* complainant and the accused persons even according to this independent witnesses. In the absence of any injury to the *de facto* complainant, any empty threat will not make out a *prima facie* case to attract Section 506 (i) I.P.C. The statement of witnesses about the presence of Naganathan, son-in-law of Thiagarajan is incorrect. Naganathan is infact the son-in-law of one Sundararajan. In view of the property dispute between the *de facto* complainant and Naganathan's family, a false complaint has been filed and the same has been taken on file without any material facts to attract the ingredients of Sections 294 (b), 354, 355 and 506 (ii) I.P.C.

5. The learned counsel appearing for the petitioners has extracted definition of Sections and judgments rendered under these Sections in his petition and sought for quash the criminal proceedings.

6. The learned Government Advocate (Criminal side) appearing for the State submitted that it is a clear case of women harassment in a public place while the *de facto* complainant was taking bath in the Village Oorani. Apart from the *de facto*



complainant, her mother and the independent witnesses viz., Rajendran and Kaliammal have spoken about the incident and the quarrel between the *de facto* complainant and the accused persons. The *de facto* complainant has spoken about the subsequent event besides the quarrel which took place at the Oorani. According to the Section 161 Cr.P.C. statement, the accused persons, after quarreling with one C.Ishwarya at the Oorani, had followed her till her house and threatened her and her family members in the house.

7. The perusal of CD File which contains Section 161 Cr.P.C. statement of the prosecution witnesses and the rough sketch indicates that on 16.03.2014, when the *de facto* complainant viz., C.Ishwarya was taking bath in the public Oorani, the petitioners have gone to that Oorani and harassed her and misbehaved with her by outraging her modesty. Having collected sufficient materials to try the accused persons for the offence under Sections 294(b), 354, 355 and 506 (i) I.P.C., a final report has been filed and the same has been taken on file by the learned Judicial Magistrate. The minor discrepancies in the Section 161 Cr.P.C. statements about the father's name of one of the accused or the omission of the specific filthy language or word used by the accused persons cannot be a ground to quash the criminal prosecution.

8. In view of the above, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

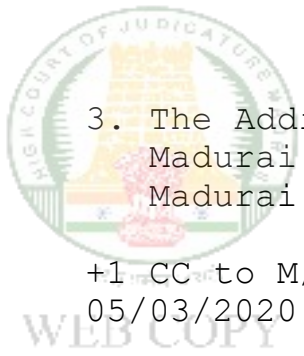
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/ /2020

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate, Thiruvadanai,
Ramanathapuram District.
2. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.



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

+1 CC to M/s.K.RAMANATHAN, Advocate (SR-10126[F] dated
05/03/2020)

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