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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.24788 of 2017
and CRL.MP.Nos.14312 & 14313 of 2017

Vetri alias Vertri Murugesan

... Petitioner/Accused

Vs.

1.The State of Tamil Nadu
Rep by its Inspector of Police
N-3, Muthiyalpettai Police Station
Chennai - 600 001.

... Respondent/Complainant

2.V.T.R.A.Rose

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, pleaded to call for the records pertaining to impugned final report, taken on file on C.C.No.2660 of 2017, on the file of XVI Metropolitan Magistrate Court, George Town at Chennai and quash the same as illegal, arbitrary and abuse the process.

For Petitioner : Mr. R.Veeramani

For R1 : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

For R2 : No Appearance

ORDER

This petition has been filed to quash the final report filed against the petitioner u/s.294(b), 448, 506(1) and Section 4 of the Protection of harassment of Woman Act.

2.The main contention of the learned counsel for the petitioner is that Section 4 of the TN Protection of harassment of woman is not applicable to the facts and circumstances of the case alleged, since the alleged prosecution indicates that when the accused went to demand the loan amount, he is alleged to have abused the defacto complainant in front of the house. The learned counsel also relied on the judgment of this Court reported in 2010 SCC online Madras 5348 wherein in paragraph No.6 it has been held as follows:



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"6.The Court is of the considered opinion that the words 'any other place' found in Section 4 are to be read 'ejusdem generis'. The Tamil Nadu Prohibition of Harassment of Women Act, 1998 when originally enacted consisted of 10 sections and came into force on 30.07.1998. The offences u/s. 4-A Harassment death, 4-B Harassment suicide and 4-C Presumption as to harassment death and abetment of harassment suicide have been included under subsequent amendments of the year 2002. Confining ourselves to the offence contemplated u/s. 4 and looking into the objects and reasons of the enactment not towards informing ourselves of the amplitude of the Act but towards understanding the idea behind it, we find that the enactment was intended as a measure to eradicate eve teasing in public places. The Act informs what would constitute harassment in general terms in Section 3 and while prescribing a penalty for harassment under section 4 restricts the same to harassment committed at particular places. Proceeding further, we find that u/s 5 & 6, responsibilities are cast upon persons in-charge of educational institutions, temple or other places of worship, cinema theatre or any other precinct and upon the crew of a public service vehicle or vessel. This Court considers it reasonable to hold that section 4 of the Act was meant to deal with offences occurring in the places informed or in places of like nature. If not so read, the mention of the particular places in section 4 would be rendered redundant and such could not have been the legislative intent. "

3.Such view of the matter, the trial Court is directed not to take cognizance of the offence under Section 4 of the TN Protection of harassment of Woman Act. As far as other materials are concerned, it is materials are available against other offence committed by the petitioner. Hence, the trial Court is hereby directed to dispose of the main trial taking into consideration of the judgment referred supra and dispose of the trial within a period of three months from the date of receipt of a copy of this order.

4.With the above direction, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//



kas/dk

To

- 1.XVI Metropolitan Magistrate,
George Town, Chennai.
- 2.Chief Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Inspector of Police,
N-3, Muthiyalpettai Police Station,
Chennai - 600 001.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

+lcc to Mr.R.Veeramani, Advocate SR. No.64779

CRL.O.P.No.24788 of 2017
& CRL.MP.Nos.14312&14313/2017

SVI (CO)
PR (27/12/2021)