

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

RESERVED ON	04.03.2021
DELIVERED ON	19.03.2021

WEB COPY

CORAM :**THE HONOURABLE MRS.JUSTICE S.ANANTHI****Crl.RC(MD)No. 620 of 2016**

Geethanjali

...Petitioner/Petitioner/Defacto
complainant

Vs.

1. Saravanakumar
2. Thiruganasampantham
3. Ezhilbharathi
4. Arumugam
5. Poopathi

...R-1 to R-4/R-1 to R-4/A-1 to A-4

Sub Inspector of police,
Vadasandur Police Station,
Dindigul District.

...R-5/R-5/Complainant

(Crime No.226 of 2014)

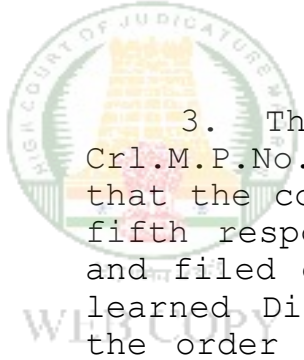
PRAYER: Criminal Revision filed under Section 397 r/w 401 and 482 of the Criminal Procedure Code, to call for the records relating to the impugned order, dated 19.07.2016 in Crl.M.P. No.5495 of 2015 issued by the learned District Munsif Cum Judicial Magistrate, Vadasandur and set aside the same and consequently direct the learned District Munsif Cum Judicial Magistrate, Vadasandur to take the protest petition as filed by the petitioner and pass appropriate order.

For Petitioner: Mr.M. Prabha Kanna for
Mr. Antony Arul Raj
For R-1 & R-2 : Mr. M. Far Hathullah
For R-3 : Mr.C.M. Arumugam

ORDER

The defacto complainant in Crime No.226 of 2014 is before this Court, by way of a criminal revision case, as against the order passed by the learned District Munsif Cum Judicial Magistrate, Vadasandur, in Crl.M.P. No.5495 of 2015, dated 19.07.2016.

2. The petitioner/defacto complainant has lodged a complaint as against the respondents herein before the fifth respondent/Sub-Inspector of Police, Vadasandur Police Station, on 18.07.2014 and the same was registered in Crime No.226 of 2014, as against the respondents 1 to 4, for the offence under Section 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act. The fifth respondent Police has conducted a proper investigation and filed closure report before the learned District Munsif Cum Judicial Magistrate, Vadasandur. Based on the closure report filed by the fifth respondent, a notice was issued to the petitioner herein/defacto complainant, on 19.10.2015, in Crime No.226 of 2014.



3. Thereafter, the petitioner has filed the petition in CrI.M.P.No.5495 of 2015, by way of a protest petition on the ground that the complaint was lodged as against the respondents 1 to 4, the fifth respondent has not investigated the case in a proper manner and filed closure report in favour of the respondents 1 to 4. The learned District Munsif Cum Judicial Magistrate, Vendasandur, vide the order impugned, dated 19.07.2016 has rejected the plea of the petitioner and dismissed the protest petition filed by the petitioner herein and therefore, she has preferred the instant criminal revision case.

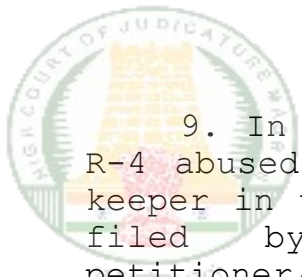
4. The learned Counsel for the petitioner submitted that without giving an opportunity and following the procedure as contemplated in the Code of Criminal Procedure, the learned Magistrate holding that the petitioner has not produced any evidence and documents to substantiate her objection and hence, the findings of the learned Magistrate is unsustainable in law. He further submitted that the petitioner was harassed and abused in the working place by the respondents 1 to 4 and in order to cover up the same, a false complaint was given against the petitioner. Therefore, he prays for allowing this petition.

5. Per contra, the learned counsel appearing for the third respondent submitted that no allegation is attributed before the learned Magistrate and even in the police custody also the revision petitioner has not averred any single word of sexual abuse. He further submitted that when the revision petitioner came out on bail, she has not made any allegation as if she was subjected for sexual abuse in the working place. He further submitted that in order to wreck vengeance upon the third respondent and other office bearers the petitioner has belatedly initiated the instant false prosecution as if she has been subjected for sexual abusing. He further submitted that the fifth respondent has conducted proper investigation and filed closure report before the learned Magistrate. Hence, he prays to dismissed the Criminal Revision Case.

6. Heard the learned Counsel appearing for the respective parties and also perused the available materials.

7. The petitioner/petitioner/defacto complainant has filed this Revision case to set aside the impugned order, dated 19.07.2016 in CrI.M.P. No.5495 of 2015 issued by the learned District Munsif Cum Judicial Magistrate, Vendasandur and also sought for a consequential direction to the learned District Munsif Cum Judicial Magistrate, Vendasandur to take the protest petition as filed by the petitioner and pass appropriate order.

8. This petitioner has filed a protest petition in CrI.M.P. No.5495 of 2015 before the learned District Munsif Cum Judicial Magistrate, Vendasandur since her complaint in Crime No.226 of 2014 was closed.



9. In Crime No.226 of 2014, the petitioner alleged that R-1 to R-4 abused her on various occasions while she was working as time keeper in the respondent's mill. On the other hand the final report filed by the investigation officer shows that this petitioner/complainant has swindled money with one Arumugam. The mill authority has preferred a complaint against the petitioner and Arumugam and the same is under investigation.

10. Considering the facts of the complaint in Crime No. 226 of 2014 was closed as it is revenge on a final report by the learned District Munsif Cum Judicial Magistrate, Vedachandur.

11. The learned District Munsif Cum Judicial Magistrate, Veda sandur has issued a notice, dated 19.10.2015 to the petitioner/complainant based on the closure report filed by the fifth respondent herein. Since she has not produced any documents and oral evidence to substantiate her case, the complaint in Crime No. 226 of 2014 was closed. Another case was registered against this petitioner and one Arumugam in Crime No. 25 of 2014, for misappropriation of several lakhs of the Mill money. This petitioner was arrayed as second accused in Crime No.25 of 2014. She sought anticipatory bail before the learned Principal District Judge, Dindigul. The first petition in CrI.M.P(MD) No.530 of 2014 was filed on 26.02.2014 and CrI.M.P.(MD) No.714 of 2014 was filed on 18.03.2014. When the 1st anticipatory bail petition in CrI.OP(MD) No.530 of 2014 was dismissed by the learned Principal Sessions Judge, Dindigul, the revision petitioner filed an application before this Court in CrI.OP(MD) No.4786 of 2014 on 17.03.2014 for the relief of anticipatory bail. However, after hearing both side when this Court was not inclined to grant the relief of anticipatory bail, the said application was withdrawn by the petitioner and thereafter she filed another petition before the learned Principal Sessions Judge, Dindigul in CrI.MP(MD) No.714 of 2014.

12. Apart from that followed by the successive dismissal of the petitions, she has filed an application before this Court in CrI.OP (MD) No.2024 of 2015. In the said petition the following order is passed:

"This Court is not able to accept this argument, because Arumugam has explained how this petitioner would choose the names of employees, who are not reporting to duty for long time and would prepare muster roll in their names and create records, as if the wages were paid to them. "

In view of the serious nature of the allegations levelled against the petitioner, this Court is not inclined to grant anticipatory bail to her. Hence, the Criminal Original Petition is dismissed.

13. The said application was also suffered with a dismissal, thereafter, the revision petitioner has approached the Hon'ble Supreme Court in SLA (CrI.) No.2497 of 2015 where also she has not stated any such allegation of sexual abuse.



14. This petitioner has not denied anything on the averments stated in the written statement of R-3. If really any sexual harassment made on her, she very well disclosed in the above petition. She has preferred the complaint only after registering the case in crime No.25 of 2014. Before closing Crime No. 226 of 2014, notice was also issued to her. Therefore, the trial Court has correctly dismissed the protest petition. This Court has no valid reason to interfere with the order passed by the Court below.

15. Taking note of the above facts and circumstances, this Criminal Revision Case stands dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The District Munsif cum Judicial Magistrate, Vendasandur.

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

3. The Section Officer,
Criminal Section, (Records) (2 copies)
Madurai Bench of Madras High Court,
Madurai.

4. The Sub Inspector of police,
Vadasandur Police Station,
Dindigul District.

+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-13033[F] dated 23/03/2021)

Order made in
Cr1.RC(MD)No. 620 of 2016
19.03.2021