

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.11489 of 2018
and Crl.M.P.No.5975 of 2018

Dhamodharan ...Petitioner /5th Accused

Versus

1.The State rep by
The Inspector of Police
W-9, All Women Police Station
Chennai-600 049

2.Anitha ...Respondents /Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the charge sheet in C.C.No. 6148 of 2016 as against the petitioner on the file of learned Chief Metropolitan Magistrate, Egmore, at Allikulam, Chennai.

For Petitioner : M/s.V.T.Narendiran

For Respondents : Mr.R.Kishore Kumar
Government Advocate(Crl.side) for R1

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the charge sheet in C.C.No. 6148 of 2016 as against the petitioner on the file of learned Chief Metropolitan Magistrate, Egmore, at Allikulam, Chennai for the offence under Sections 498(A), 406, 506(ii) of IPC and Sections 3, 4 and 6 of D.P. Act @ Sections 498(A), 406, 506(i) of IPC, Section 4 of D.P.Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

2. The petitioner has been arrayed as A5 in C.C.No. 6148 of 2016. The crux of the allegation is that originally, the final report has been filed against the other accused A1 to A4 who are husband, mother-in-law, sister-in-law, brother in law of the defacto complainant. The petitioner herein is the friend of the

defacto complainant's sister-in-law and said to have been abused the defacto complainant in a filthy language. Hence, she lodged the complaint against the petitioner.

3. The contention of the learned counsel for the petitioner is that the petitioner herein is no way connected with the family dispute. The only allegation targeted against the petitioner is that the defacto complainant did not like the petitioner visiting her family members, for which, the petitioner appears to have questioned the defacto complainant about visiting the family, except that, there is no other allegation whatsoever made in the complaint. Therefore, offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act would not be attracted against the petitioner. Hence, he prayed to quash the proceedings.

4. Learned Government Advocate(Crl.side) appearing for the respondent submitted that the allegation against the petitioner in the entire final report is that as the defacto complainant did not like the petitioner visiting her family members, which appears to have questioned the defacto complainant in a filthy language. Such statement has triggered the defacto complainant for initiating prosecution against the petitioner for the offence under Sections 498(A), 406, 506(i) of IPC, Section 4 of D.P.Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

5. This Court has perused the entire materials available on record. It is to be noted that there is no other materials available on record to prosecute against the petitioner except that one sentence of allegation referred above to attract the offence under Section 2(a) of Tamil Nadu Prohibition of Harassment of Women Act. The term harassment has been defined under Section 2(a) of Tamil Nadu Prohibition of Harassment of Women Act, which reads as follows:

"harassment" means any indecent conduct or act by a man which causes or is likely to cause intimidation, fear, shame or embarrassment, including abusing or causing hurt or nuisance or assault or use of force.

6. The only allegation against this petitioner is that he has simply questioned the defacto complainant about why she was not happy in visiting his friend's house, except that, no harassment or indecent conduct or intimidation said to have been caused on the defacto complainant.

7. Having regard to the above facts, the materials unearthed by the prosecution when taken on its face value do not constitute any offence and still forcing the party to face the

ordeal of the trial is nothing but abuse process of law. Therefore, the proceedings against the petitioner is quashed. Accordingly, this criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msv/nr
To

- 1.The Chief Metropolitan Magistrate, Egmore, at Allikulam, Chennai.
- 2.The Inspector of Police,
W-9, All Women Police Station,
Chennai-600 049
- 3.The Public Prosecutor,
High Court, Madras.

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srg 04/02/2022