



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. Nos.15565 and 12039 of 2018
and
Crl.M.P.No.7942 and 6349 of 2018

KasturiRangan ... Petitioner/1st Accused in Crl.O.P.No.15565
of 2018

Vinodh Madhavan ... Petitioner/3rd Accused in
Crl.O.P.No.12039 of 2018

Vs

1. The Inspector of Police
Thalambur Police Station,
Thalambur,
Kancheepuram.

2. Nalini Shree

..Respondents in both Crl.O.Ps/
Complainant & Defacto Complainant

COMMON PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.83 of 2018 on the file of Inspector of Police, Thalambur Police Station, Thalambur, Kancheepuram and quash the same.

For Petitioners in both Crl.O.Ps : MR.B.Ravi

For Respondents in both Crl.O.Ps : Mr.S.Vinoth Kumar for R1
Government Advocate(Crl.side)

COMMON ORDER

These Criminal Original petitions have been filed to call for the records and to quash the proceedings pertaining to the FIR in Crime No.83 of 2018 on the file of Inspector of Police, Thalambur Police Station, Thalambur, Kancheepuram for the offence under Sections 420, 506(i) IPC r/w 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002.

2. The crux of the allegations is that the defacto



WEB COPY

complainant is a practicing lawyer in this court and has filed the complaint against the petitioners. The allegations in the complaint indicate that she is the owner of the land situated at Mayfair Apartments and lakewood enclave villas in S.Nos.66 and 67 situated at Talambur Village. She has entered into a joint venture with Srinivasa Shipping Private Ltd. for promoting the above projects. Thereafter, Mayfair Apartments project was concluded and the builder has sold his 1 flat out of 44 flats and the defacto complainant has sold two flats out of 44 flats allotted to her. After the sale was made, the purchaser has decided to form an Association, so that they can get corpus fund from the builder for administrating the welfare of the residents.

3. Accordingly, there was a meeting convened and it was conducted on 10.09.2017. In that meeting, the defacto complainant was elected as President. One Kasthuri Rangan who is the Father-In-Law of Vinoth Madhavan, though not a purchaser agreed to be Secretary and another person as Treasurer. When the matter stood thus, one Gnanaprakash sent an E-mail, that they were going to conduct an election on 04.03.2018. They also took away the keys of the cabin from Security persons. As there was dispute raised by them, later, Vinoth Madhavan, son-in-law of Kasthuri Rangan, sent an E-mail attributing to various remarks which are derogatory in nature with no iota of evidence about the meeting. This act shows that they abused the defacto complainant in public domain. Accordingly, FIR has been lodged against the petitioners for the offence under Sections 420, 506 (1) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002.

4. Learned counsel for the petitioners submitted that the FIR is nothing but abuse of process of law. Absolutely there is no evidence and the entire dispute appears to be with regard to the Apartment Association and no other allegations whatsoever made against the petitioners for the alleged cheating etc. Whereas, FIR proceeded as if E-mail contains derogative statements and harassment of the women. It is also submitted that E-mail is said to have been sent by the petitioners. The petitioners have not made any act showing the semblance of allegations to attract the alleged offence of harassment of women. Therefore, it is nothing but abuse of process of law. Hence, he prayed to quash the FIR.

5. This Court has perused the entire materials available on record. As regards the factual aspects narrated above, only grievance of the defacto complainant appears to be with regard to the allegation in the Apartment Association. The grievances are targeted against the said Gnanaprakash who claimed to conduct a different meeting. The entire allegations



of the defacto complaint are mainly on the ground that she was abused by way of derogative statements made in E-mail sent to her by one of the petitioners, which was abetted by other.

6. It is relevant to note that the term '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"

7. In the above background of definition provided under the Tamilnadu Prohibition of Harassment of Woman Act, 2002, the communication between the parties which is addressed to the defacto complainant appended in the typed set indicates that, except some communications to sort out the dispute in the Apartment, the entire E-mail statements do not show any derogative statements or allegations to constitute an offence under Section 4 of Women Harassment Act or to constitute any criminal offence in this case. Therefore, mere dispute between the office bearers of the apartment association cannot be given a colour of criminal case. Accordingly, this FIR is nothing but abuse of process of law, the same is quashed.

8. In the result, these Criminal original Petitions are allowed. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Inspector of Police
Thalambur Police Station,
Thalambur, Kancheepuram.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Subramanian, Advocate, S.R.No.3929

+1cc to Mr.R.Subramanian, Advocate, S.R.No.3928 [26/04/2022]

Crl. O.P. Nos.15565 and 12039 of 2018
and Crl.M.P.No.7942 and 6349 of 2018

SR(CO)
SU(09/02/2022)