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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NOS.18261, 18292, 18475,
19128 & 19181 OF 2017
&
CRL.M.P.NOS.11147, 11168, 11243,
11606 & 11636 OF 2017

Nanjil Sampath ... Petitioner in all Crl.O.P's

.Vs.

1. The State through Inspector of Police,
   S5, Pallavaram Police Station,
   Chennai.

2. K.S.Anandh ... Respondents in Crl.O.P.No.18261 of 2017

1. The State through Inspector of Police,
   Shankar Nagar Police Station,
   Pammal, Chennai.

2. Sarathy @ Parthasarathy ... Respondents in Crl.O.P.No.18292 of 2017

1. The State through Inspector of Police,
   E-5 Foreshore Estate Police Station,
   Chennai.

2. Loganathan ... Respondents in Crl.O.P.No.18475 of 2017

1. The State through Inspector of Police,
   T-2 Ambattur Estate Police Station,
   Chennai.

2. M.V.Sasidaran ... Respondents in Crl.O.P.No.19128 of 2017

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1. The State through Inspector of Police,
   J-7 Velachery Police Station,
   Chennai.

2. Ganes Sownth ... Respondents in
Crl.O.P.No.19181 of 2017

PRAYER IN CRL.O.P.NO.18261 OF 2017:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the F.I.R. in Crime No.1978 of 2017 on the file of the first respondent against the petitioner and quash the same.

PRAYER IN CRL.O.P.NO.18292 OF 2017:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the F.I.R. in Crime No.2362 of 2017 on the file of the first respondent against the petitioner and quash the same.

PRAYER IN CRL.O.P.NO.18475 OF 2017:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the F.I.R. in Crime No.550 of 2017 on the file of the first respondent against the petitioner and quash the same.

PRAYER IN CRL.O.P.NO.19128 OF 2017:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the F.I.R. in Crime No.1509 of 2017 on the file of the first respondent against the petitioner and quash the same.
PRAYER in Crl.O.P.No.19181 of 2017: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the F.I.R. in Crime No.1758 of 2017 on the file of the first respondent against the petitioner and quash the same.

For petitioners : Mr.V.Pradeep Raj
In all Crl.O.P's

For Respondents : Mr.R.Kishore Mumar
Government Advocate [Crl. Side]
For R1 in all Crl.O.P's

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Mr.Alexis Sudhakar for R2
in Crl.O.P.No.18261 of 2017

No appearance for R2
in Crl.O.P.No.18292 of 2017

Mr.Alexis Sudhakar for R2
in Crl.O.P.No.18475 of 2017

No Appearance for R2
in Crl.O.P.No.19128 of 2017

Mr.P.Ayyaswamy for R2
in Crl.O.P.No.19181 of 2017

C O M M O N O R D E R

These petitions have been filed to quash the First Information Reports registered against the petitioner for the offences under sections 354 500, 509 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002.

2. The First Information Reports have been lodged by the defacto complaints who are said to be aggrieved over the alleged statements made by the accused which caused disrespect and also harassment to the leader of a political party Ms.Thamizisai Soundarrajan, presently Governor of Telangana. Thereby, crime has been registered against the petitioner by the Pallavaram Police Station in Crime No.1978 of 2017 for the offences under sections 354 and 500 of IPC read with section 4 of Tamilnadu Prohibition of Harassment of Women Act. On the same allegations a crime was registered in Crime No.1509 of 2017 by the Ambattur Estate Police Station for the offences under section 504 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. Similarly, a crime was registered in Crime No.2362 of 2017 by Sankarnagar Police Station for the offences under sections 354, 500 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. Similarly a Crime was registered in Crime No.550 of 2017 by the Foreshore Estate Police Station for the offences under section 354, 500 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. Similarly another crime was registered in Crime No.2522 of 2017 by the Saidapet Police Station for the offences under section 500 and 509 of IPC. Similarly another crime was registered in Crime No.1758 of 2017 by Velacherry Police Station for the offences under sections 500 of IPC and 4 of Tamilnadu Prohibition of Harassment of Women Act. All these First Information Reports were sought to be quashed by the petitioner mainly on the ground that based on similar allegations multiple First Information

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Reports have been registered and same is not permissible in the eye of law. It is his further contention that the allegations found in the First Information Reports do not constitute any offence and offences under sections 354 and 509 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act have not been made out. It is his further contention that even for any offence under sections Tamilnadu Prohibition of Harassment of Women Act, the complaint ought to have been lodged only by the aggrieved woman. Therefore, third party has no locus standi to lodge any complaint under the Tamilnadu Prohibition of Harassment of Women Act and such complaint cannot be investigated. It is his further contention that the police cannot investigate the complaint filed for an offence under section 500 of IPC and the Court only can take cognizance on the complaint made by the aggrieved person. Whereas, the leader of the so called political party has not lodged any complaint. Therefore, all the First Information Reports have to be quashed. He also placed reliance on the following judgments to contend that multiple First Information Reports are not permissible in the eye of law :

1. Kartar Singh and others Vs. The State of Punjab reported in AIR 1956 Supreme Court 451

2. G.Narasimhan and others Vs. T.V.Chokkappa reported in AIR 1972 Supreme Court 2609

3. M.P.Narayana Pillai and others Vs. M.P.Chacko and another reported in 1986 Cri.L.J.2002 [1] Kerala High Court

4. Balasaheb Keshav Thackery Vs. State of Maharashtra reported in 2004 [SUP] BCR 158

5. O.Varadarajan and another Vs. G.K.Mani reported in 2006 Cri.L.J. 2302 Madras High Court

6. T.T.Antony Vs. State of Kerala and others reported in [2006] 6 SCC 181

7. S.Khusbhoo Vs. Kanniammal and another reported in [2010] 5 SCC 600

8. Amitbhai Anil Chandra Shah Vs. Central Bureau of Investigation reported in [2013] 6 SCC 348

9. Akbaruddin Owaisi Vs. The Govt. of A.P. Rep. by its Principal Secretary and Others reported in CDJ 2013 APHC 634

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10. Maulik Kotak Vs. State of Maharashtra reported in 2014 Cri.L.J.4235 Bombay High Court

11. Arnab Ranjan Goswami Vs. Union of India and others reported in CDJ 2020 SC 532

3. The learned counsel for the respondent and the defacto complainant submitted that the petitioner is in the habit of making scurrilous allegations with regard to character of the persons and is making unscrupulous allegations against all the political leaders. The allegations in the First Information Reports will clearly constitute an offence which has been perpetrated against women constitutional post and the First information Reports are in the initial stage and the statements recorded by the police authorities will bring forth many facts and these matters requires investigation and the same cannot be quashed.

4. It is not in dispute that all the First Information Reports which are the subject matter of these petitions, the first First Information Report was filed before the Pallavaram Police Station on 28.08.2017 for offences under section 354, 509 and 500 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act followed by other First Information Reports filed in various Police Stations. The law is now well settled that for similar allegations there cannot be multiple First Information Reports. Filing of multiple First Information Reports on the same facts is beyond the purview of Section 154 of Cr.P.C. Any person is aggrieved over the statement lodges a complaint, namely subsequent complaints should be treated as statements by the investigation officer. In such view of the matter, this Court is of the view that, considering the well settled position of law in this regard, the subsequent First Information Reports registered in Ambattur Estate Police Station, Shankar Nagar Police Station, Velacherry Police Station and Saidapet Police Station are liable to be quashed. At the most such statements would be taken into consideration as only statements under section 161 of Cr.P.C. while investigating the first First Information Report registered before the Pallavaram Police Station.

5. Though it is contended that the allegations do not constitute any of the offences in the First Information Report, this Court is of the view that except offence under section 500 of IPC for the alleged defamation, there is no bar for the police officials to investigate further and file a final report taking note of the various allegations which have been made against the aggrieved persons. The contention of the learned counsel for the petitioner that for the offence committed under section 4 of the Tamilnadu Prohibition of Harassment of Women

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Act can be lodged only by the aggrieved person cannot be countenanced for the simple reason that the harassment defined under the above Act includes intimidation, fear, shame or embarrassment, including abusing or causing hurt or nuisance or assault or use of force. Therefore, any person who is aggrieved by such abuse or harassment caused on a women folk can lodge a first information report. Therefore, if the theory of interpretation as contended by the learned counsel is accepted, the very object of the Act to prevent harassment of the women itself would be defeated. As rightly contended by the learned counsel for the petitioner, the Court only has to take cognizance of the offence under section 500 of IPC on the basis of the complaint by the aggrieved person. Such being the position, the police cannot investigate the same. Further, this Court having held that multiple First Information Reports are not permitted in the eye of law, this Court is of the view that as the allegations are serious in nature and infact, the statements made in the First Information Reports also touch upon the women folk, the same has to be investigated properly. In such view of the matter, the First Information reports which are challenged in Crl.O.P.Nos.18292, 18475, 19128 and 19181 are liable to be quashed and the complaints given by the parties have to be treated as statements by the investigating officer of Pallavaram Police Station, which is the subject matter of Crl.O.P.No.18261 of 2017 filed to quash the First Information Report registered in Crime No.2978 of 2017 and conduct investigation in this matter and file a final report.

6. Though it is the contention of the learned counsel for the petitioner that the offence under section 354 of IPC has not been made out, offence under section 354 attracts only whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty. Whereas no force whatsoever has been used in this case. However, the prosecution has to proceed to investigate for the offence under section 509 and Section 4 of Tamilnadu Prohibition of Harassment of Women Act and if any offence is made out, file a final report as per law. The Inspector of Police, Pallavaram Police Station is directed to investigate based on the First Information Report and he can treat all the other complaints given which lead to filing of First Information Report as statement of the witnesses. It is also made clear that if any other First Information Reports filed in this regard, the investigating officer shall treat the same as statements of the witnesses and investigate the matter and file a final report.

7. With the above observations,

[i] the Criminal Original Petition in Crl.O.P.No.18261 of 2017 is dismissed.

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[ii] Crl.O.P.No.18292 of 2017 is allowed and the First Information registered in Ambattur Estate Police Station in Crime No.1509 of 2017 is quashed.

[iii] Crl.O.P.No.18475 of 2017 is allowed and the First Information Report registered in Sankarnagar Police Station in Crime No.2362 of 2017 is quashed.

[iv] Crl.O.P.No.19128 of 2017 is allowed and the First Information Report registered in Foreshore Estate Police Station in Crime No.550 of 2017 is quashed.

[v] Crl.O.P.No.19181 of 2017 is allowed and the First Information Report registered in Sadapet Police Station in Crime No.2522 of 2017 is quashed.

8. In the result, the Crl.O.P.No.18261 of 2017 is dismissed and other Criminal Original Petitions are allowed. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

vrc

To

1. The Inspector of Police,
   S5, Pallavaram Police Station,
   Chennai.

2. The Inspector of Police,
   Shankar Nagar Police Station,
   Pammal, Chennai.

3. The Inspector of Police,
   E-5 Foreshore Estate Police Station,
   Chennai.

4. The Inspector of Police,
   T-2 Ambattur Estate Police Station,
   Chennai.

5. The Inspector of Police,
   J-7 Velachery Police Station,
   Chennai.

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6. The Public Prosecutor,
High Court,
Madras - 104.

+1cc to Mr.S.Conscious Ilango, Advocate, S.R.No.3532
+1cc to Mr.A.Arunkumar, Advocate, S.R.No.3283
+1cc to Mr.P.Ayyaswamy, Advocate, S.R.No.3284
+1cc to Mr.Alexis Sudhakar, Advocate, S.R.No.3504

CRL.O.P.NOS.18261, 18292, 18475,
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CRL.M.P.NOS.11147, 11168, 11243,
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