



Crl.O.P.No.29996 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.29996 of 2022

and

Crl.M.P.No.18375 of 2022

Vinoth

... Petitioner/Accused

Versus

1.The Inspector of Police,
Arumbavur Police Station,
Arumbavur Post,
Perambalur – 621 103.

2.Sudhalakshmi

... Respondent/de-facto complainant

PRAYER : Criminal Original petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.308 of 2022 on the file of learned Additional Mahila Court at Perambalur and quash the final report dated 07.10.2022.

For Petitioner : Mr.M.V.V.N.Sivanthy

For Respondent-1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Respondent-2 : Mr.R.Nalliyappan



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she would face lot of difficulties and disturbances. On 19.01.2022 at about 5.00 p.m., when the second respondent was proceeded in a two wheeler near the Government Higher Secondary School, Poolambadi, the petitioner restrained her and abused her as to why she is not responded to his phone calls. Further, he also tried to kiss on her left cheek. The second respondent pushed with her hand on his chest, for which, the petitioner squashed the chest of the second respondent. After she made noise, the petitioner left the place. Thereafter, the second respondent lodged a complaint and a case in Crime No.27 of 2022 was registered. On conclusion of investigation listing 6 witnesses, charge sheet has been filed against the petitioner for offence under Sections 341, 294(b), 354(A), 354(D), 506(ii) IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. The contention of the petitioner is that the petitioner being a public personality was working for the welfare of the common public and also an active member in a political party. He was intending to contest in a



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local body election. The persons, who are inimical to the petitioner have used the second respondent to lodge a false complaint against the petitioner.

Further, the petitioner earlier given a complaint to the District Collector, Perambalur on 30.12.2021 complaining that Sri Madura Gas Agency had been collecting delivery charge of Rs.40/- to Rs.50/- unauthorisedly while delivering gas cylinder at the residence of customers. If the customers intend to collect gas cylinder from godown, Rs.29/- has to be deducted. But it was not done so. Against this collection, a complaint has been lodged. Further, the petitioner is a post graduate, who educates the village people. He was a senate Member of Bharathidasan University, Trichy. On the petitioner's complaint, the District Supply and Consumer Protection Officer sent a notice to the second respondent calling for explanation. As a counter blast to the petitioner's complaint, a complaint has been lodged by the second respondent taking advantage of her gender. He further submitted that the specific allegation of the second respondent is that she had been called through cell phone often, but no call recordings have been produced to substantiate the



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same. Further the statement of alleged two eye witnesses, namely, Vaiyapuri and Periyasamy/L.W.2 and L.W.3 clearly shows that they were not present in the scene of occurrence. On this score and also on the above facts, the case against the petitioner has to be quashed.

5. Learned Additional Public Prosecutor appearing on behalf of the respondent police submits that the second respondent lodged a complaint making serious allegations. On her complaint case has been registered, investigation conducted. There are not only eye witnesses/L.W.2 and L.W.3 to the occurrence but there are witnesses to the observation mahazar. Further, the all the witnesses confirmed about the occurrence. Apart from other I.P.C. offence, the petitioner is being prosecuted for offence under Section 354A, 354D, 506(ii) and Section 4 of Prohibition of Harassment of Women Act, 2002, wherein the presumption is on the petitioner to prove the case during trial. The trial Court finding *prima facie* case against the petitioner had taken the charge sheet on file and issued summons to the petitioner. After receipt of



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the same, the petitioner approached this Court and stalling the proceedings of the trial.

6. Learned counsel for the second respondent/de-facto complainant submits that the petitioner had abused the second respondent in public and also behaved in an indecent manner on the grith that the petitioner is Town Secretary and nobody can question him. The petitioner has been constantly contacting the second respondent over phone, wherever she was proceeding. Initially, second respondent ignored the same and thereafter cannot withstand the harassment and torture given by the petitioner. Hence, she lodged a complaint. There are two eyewitnesses to the occurrence, who had confirmed the statement of second respondent. The respondent police on the complaint of the second respondent/de-facto complainant conducted investigation, filed charge sheet. The contention of the petitioner that the complaint given by the second respondent is a counter blast to the earlier complaint given by the petitioner to District Collector, Perambalur is not



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correct. From the document produced by the petitioner it is seen that though the complaint was sent to the Collector on 30.12.2021, there is no acknowledgement on that day in the complaint. Further, from the letter of the District Supply and Consumer Protection Officer dated 31.12.2021, it is seen that the letter has been signed only on 20.04.2022. It is almost four months after the petitioner lodging the complaint. Further, the learned counsel submits that the points raised by the petitioner are disputed facts, which are to be decided during trial.

7. Considering the above submissions and on a perusal of the material, this Court finds that the points raised by the petitioner are disputed facts, which are necessarily to be decided during trial and not in a quash petition. Since there are serious allegations made by the de-facto complainant, this Court is not inclined to entertain this petition and the same is dismissed.



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8. Finding that there are only six witnesses, the trial Court is directed to complete the trial, preferably within a period of four months from the date of receipt of a copy of this order.

9. It is made clear that the observations made herein are only for the purpose of disposing of the above petition. The trial Court uninfluenced with the above observations of this Court shall proceed with the case and decide the same on its own merits and in accordance with law. Consequently, connected miscellaneous petition is closed.

19.06.2023

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

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To

- 1.The Inspector of Police,
Arumbavur Police Station,
Arumbavur Post,
Perambalur – 621 103.
- 2.The Additional Mahila Court,
Perambalur.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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