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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24/03/2023

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The Hon'ble Mr. Justice **G. ILANGO VAN**

Cr1.OP(MD)No.3425 of 2023

B.Gokilapandian : Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Theni,
Theni District.

2.The Inspector of Police,
State represented by
The Inspector of Police,
All Women Police Station,
Theni,
Theni District.

(Crime No.60 of 2022) : Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the respondents to provide the CCTV Footage of the 2nd respondent police station covering the complaint in Crime No.60 of 2022 against the petitioner and pass such further or other orders.



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2

For Petitioner : Mr.S.Louis

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for direction to the second respondent police to provide CCTV Footage, covering the complaint in Crime No.60 of 2022 against the petitioner.

2.The facts in brief:-

The de-facto complainant preferred a complaint of sexual harassment against the petitioner, upon which, a case in Crime No.60 of 2022 was registered for the offences punishable under sections 354D, 506(i) IPC r/w section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2022. The petitioner moved anticipatory bail before this court in Cr1.OP(MD)No.2691 of 2022. During the course of the above said anticipatory bail hearing, he filed an affidavit stating that he will appear before Vishaka Committee, but so far, no such Committee was formed. So he filed WP(MD)No.2658 of 2023 for direction to form the Committee. In the meantime, he came to know



3.A detailed counter has been filed by the respondents. Without going into the other aspects, this court is not in a position to appreciate the grievance of the petitioner. The petitioner cannot use this court for collecting evidence against the second respondent. With regard to a particular event concerning this petitioner, he was provided with the information in the form of CCTV



footage. Now he wants to prosecute the Investigating Officer as if he received the bribe amount from the de-facto complainant. This certainly, as mentioned earlier, will amount to collecting of evidence through the process of this court. As stated in the counter, if the petitioner is confirmed that sort of bribe is involved in this matter, he can certainly take appropriate proceedings in accordance with law.

4.The learned counsel appearing for the petitioner would rely upon the following judgments:-

(1)Shafhi Mohammed Vs. The State of Himachal Pradesh (Special Leave Petition (Criminal) No.2302 of 2017, dated 03/04/2018);

(2)K.Kaliaperumal Vs. PIO/OSD, Vigilance and Security, Pondicherry University, RV Nagar, Kalpet, Pudhucherry, dated 27th May 2019. (Central Information Commission, New Delhi-110 067); and

(3)Paramvir Singh Saini Vs. Baljit Singh and others (Special Leave Petition (Criminal) No.3543 of 2020, dated 02/12/2020).



5.No doubt that the petitioner is entitled for the above said information, but subject to certain restrictions and limitations. The 2nd respondent has filed a counter setting out the limitation and restrictions over the right of the petitioner.

6.Similarly, as mentioned in the counter, information consisting this petitioner alone has been provided, which is also legal in nature. The CCTV footage for the entire events from 21/11/2022 to 26/11/2022 would have covered various events, which may even affect the privacy of the third parties, not connecting in this present complaint. So I find that it is due to misconception of law, this petition is filed. I find no reason to entertain this petition.

7.In the result, this criminal original petition is **dismissed**.

24/03/2023

Index:Yes/No
Internet:Yes/No

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To,



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Theni,
Theni District.
- 2.The Inspector of Police,
All Women Police Station,
Theni,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGOVAN, J



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7

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Cr1.OP (MD) No. 3425 of 2023

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