



Crl.O.P.No.3045 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.3045 of 2024
& Crl.M.P.Nos.2185 & 6537 of 2024

S.C.Arul Selvan. ... Petitioner/Accused

/versus/

1. State, represented by,
The Inspector of Police,
New Washermenpet Police Station,
Crime No.507 of 2023 ... 1st Respondent

2. Dr.Selvasankari. ... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case pending investigation in Crime No.507 of 2023 dated 07.11.2023 on the file of the respondent police and quash the same as against the petitioner.

For Petitioner	:Mr.B.Arvind Srevatsa
For R1	:Mr.K.M.D.Muhilan Government Advocate (Crl.Side)
For R2	: Mrs.Lita Srinivasan



Crl.O.P.No.3045 of 2024

WEB COPY

ORDER

This petition is filed to quash the criminal complaint dated 05.09.2023 registered by the respondent police on 07.11.2023. The complaint reads as below:-

“Respected Sir, It come to my notice that Mr.Arulselvan, my employee in Ezhil hospital has been sexually harassing several woman. As an employer, I do not want him no entry the premises pending enquiry the woman staffs had to be produced. Hence, he may be prevented from entry and also request to conduct an enquiry with woman staffs regarding harassment against registering a criminal case of sexual harassment I have already received employee in working and also with to let in go without an enquiry. Yours Faithfully***** (M.Selvasankari)”

2. The First Information Report in Crime No.507 of 2023 has been registered for the offence under Section 509 of IPC and taken up for investigation. Contending that the averment made in the complaint even if it takes as gospel truth, it will not attract offence under Section 509 of IPC and furthermore, this complaint itself is borne out of malice.



Crl.O.P.No.3045 of 2024

WEB COPY

3. In view of the civil suit pending before the High Court in C.S.No.133 of 2023 between the defacto complainant and her two daughters in which this petitioner has taken out an application to get himself impleaded as proper and necessary party.

4. Being aggrieved that the vague complaint been given without any truth in it, the present petition is filed.

5. The learned Government Advocate (Crl.Side) submitted that though the complaint was registered under Section 509 of IPC, if the content of the complaint found to be truth, the same has to be probed into and therefore, on registering the complaint, the investigation is taken up and so far 15 staff of the defacto complainant's hospital were enquired but none of them said anything in support of the complaint and therefore, the Investigating Officer has to proceed in accordance with law with the available materials.



Crl.O.P.No.3045 of 2024

WEB COPY

6. The learned counsel appearing for the defacto complainant states that there are certain material evidence available to substantiate the compliant. At the out set, this Court finds that the complaint on plain reading is very vague and not given by the victim but on behalf of the victim without mentioning who victim is. The police has conducted the investigation and sofar has not found any material worth to file final report to proceed against this petitioner.

7. In any event, it is the prerogative of the investigating agency to conduct enquiry and collect the material and place before the trial Court and the Court has to decide upon the final report for further action. In the case, the complaint was closed and referred charge sheet is filed. No doubt, the said act is not valid. The police shall conduct the investigation and proceed in accordance with law. The investigation shall complete within a period of 15 days from today, since the matter is pending for more than 6 months.



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Crl.O.P.No.3045 of 2024

DR.G.JAYACHANDRAN,J

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Crl.O.P.No.3045 of 2024
& Crl.M.P.Nos.2185 & 6537 of 2024

14.06.2024