



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 25282 of 2022
and Crl. MP. Nos. 10319 & 10321 of 2022

R.Dharmalingam

...petitioner

Vs.

1. The Inspector of Police,
Ooty Town Central Police Station,
The Nilgiris.
- 2.Praveena Devi

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings pending as against the petitioner in Special C.C No. 2 of 2022 pending on the file of the Principal District and Sessions Judge, The Nilgiris at Ootacamund as far as petitioner is concerned.

For Petitioner : Mr.K.Balasubramaniam

For R1 : Mr.S.Vinoth Kumar

Government Advocate (Crl. Side)

For R2 : Mr.C.Rajaguru

ORDER



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The petitioners herein filed this petition to call for the records and quash the proceedings pending as against the petitioner in Special C.C No. 2 of 2022 pending on the file of the Principal District and Sessions Judge, The Nilgiris at Ootacamund as far as petitioner is concerned.

2. The brief facts of the case:

The defacto complainant/Praveenadevi has lodged a complaint on 15.04.2022, that she is working as Assistant professor in Government Arts Colleged, Ooty and the petitioner is also working as Assistant Professor in the same College and that on 23.02.2022 while the defacto complainant was returning from Auditorium, the petitioner came near the defacto complainant and started using abusive words against her and her family members. The defacto complainant orally lodged a complaint to the Principal of the College. Again on 02.03.2022 the defacto complainant gave a complaint to the Principal, Government Arts College, Udhagamandalam and to the Tamil Nadu Government college Teachers Association, Udhagamandalam Unit, based on her complaint Internal complaint committee was formed, based on the enquiry the committee filed it report on 15.04.2022 and found that the allegations are not correct. Not satisfied with the report the defacto complainant lodged a complaint before the respondent



police stating that one prior to the present incident the petitioner have teased the defacto complainant for having performed the inter caste marriage and also abused her by using caste name. Based on the said complaint the respondent police lodged a FIR in crime No. 92 of 2022 under Sections 354A (1)(iv) of IPC read with section 3(2)(va) of SC & ST (Prevention of Atrocities) Amendment Act, 2015. After investigation filed a final report and the same was taken cognizance in C.C No. 2 of 2022. Aggrieved over the same, the petitioner filed this petition to quash the C.C No. 2 of 2022.

3. The learned counsel for the petitioner submits that due to some personal motive the defacto complainant gave a false complaint against the petitioner. Even Internal complaint committee found that either side has not produced any evidence to prove their allegation. Furthermore, she gave a complaint in order to harass the petitioner. Hence, he prays to allow this petition.

4. By way of reply, the learned counsel for the defacto complainant submitted that on the date of occurrence on 23.02.2022 when she returning from the Auditorium the petitioner abused the defacto complainant by mentioning her inter caste marriage as well as made comments about her body. Even in the internal complaints committee report dated 14.03.2022,



shows that there was a prime facie material to prove that there is some truth in the allegation levelled against the petitioner to that effect copy of the internal complaints committee report is filed. Further he argues that we cannot expect eye witness in this type of crime and also the petitioner is used to behave like this and also one women student who was dis-continue her studies due to the behavior of the petitioner. By way of reply the learned counsel for the petitioner submits that in final report of the Internal complaints committee dated 22.03.2022 which was conducted by the sub committee, came to the conclusion that there is no material evidence against the petitioner and closed the complaint. After closing the complaint, near about 45 days later the defacto complainant lodged the complaint before the respondent police on 15.04.2022 with an ulterior motive in order to harass the petitioner. By countering the same, the learned counsel for the defacto complainant submits that she was not aware about the said proceedings due to which there was a delay on her part.

5. Considering the submissions on either side, it reveals that the both the petitioner and the defacto complainant are Government professors who were working in Government Arts College, Ooty. The allegation against the petitioner is that on 23.02.2022, when the defacto complainant returning



from the Auditorium, the petitioner abused the defacto complainant and her family members. Thereafter, the defacto complainant lodged a complaint to the Principal and based on her complaint internal complaints committed was formed and the committee submitted its report on 22.03.2022, which reveals that there is no evidence on the side of the defacto complainant to prove the allegations. Further, as rightly pointed out by the petitioner's counsel there is no substantial evidence to prove the conduct of the petitioner, besides the allegation that the petitioner had abused her by mentioning her inter caste marriage. Moreover, there is no eye witness from public in the final report. After the said occurrence the petitioner was transferred from the above said college. As a professor both of them should maintain dignity in the profession. Hence, this Court is inclined to quash the proceedings in C.C No. 2 of 2022 pending before the Principal District and Sessions Judge, The Nilgiris, Ootacamund.

6. In the result, this petition is allowed. No Costs. Consequentially connected miscellaneous petition is closed.

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To



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The Public Prosecutor,
High Court, Madras.

2. The Principal District and Sessions Judge, The Nilgiris at Ootacamund



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T.V.THAMILSELVI, J.

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CRL.OP No. 17085 of 2022
and Crl. MP. Nos. 10319 & 10321 of
2022

26.02.2024