



Criminal Original Petition No.22107 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.22107 of 2023

Sathyakala

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Voimedu Police Station,
Vedaranyam Taluk,
Nagapattinam District.

2.Manimaran

3.Veerabalu

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 13.05.2023 made in STC No.303 of 2023 on the file of the District Munisf cum Judicial Magistrate, Vedaranyam, and consequently direct the 1st respondent police to conduct further investigation in Cr.No.1041/2020 to file additional report for the appropriate offences under Section 324 of IPC and Section 4 of TN Women Harassment Act.



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For Petitioner : Mr.S.Conscious Ilango

For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.Side) – R1.
: Ms.K.Maraimalai – R2.

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in STC.No.303 of 2023 dated 13.05.2023, recording the guilt pleaded by the accused persons and sentencing them to pay fine.

2. When the matter came up for hearing on 27.09.2023, this Court passed the following order:-

“Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice for first respondent.

2. Notice to respondents 2 and 3 returnable by 18.10.2023. Private notice is also permitted.

3. The main grievance that was expressed by learned counsel for petitioner is that a final report was filed for offences u/s.341 and 323 IPC, whereas, the materials on record shows that the offences u/s.324 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, has also been made out. Taking advantage of the final report that was filed before the Court below, the accused persons pleaded guilty and paid fine of Rs.2,000/- and they got away from the case.



4. A prima facie case has been made out. Hence, this Court entertains this quash petition against the order passed by the Court below in S.T.C.No.303 of 2023, dated 13.05.2023.

Post this case on 18.10.2023.”

3. In the considered view of this Court, the accused persons had taken advantage of the final report that was filed by the respondent-police for offence under Sections 341 and 323 of IPC. The materials that have been placed before this Court shows that the offence under Section 324 and Section 4 of the Tamil Nadu Women Harassment Act, 2022 is also *prima-facie* made out. Hence, the Court below has not applied its mind and has mechanically convicted the accused persons by imposing fine.

4. In the light of the aforesaid discussion, the order passed by the Court below in STC.No.303 of 2023 dated 13.05.2023 is hereby set aside. The Court below is directed to apply its mind on the final report and the materials that have been collected and properly frame charges in this case. Thereafter, if the accused persons want to plead guilty, they may do so and the appropriate sentence shall be imposed. If the accused persons wants to contest the case, they can be given an opportunity and



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the case can be proceeded with in accordance with law.

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5. In the result, with the above directions and observations, this criminal original petition stands disposed of.

20.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To:

1. The District Munisf cum Judicial Magistrate, Vedaranyam.
2. The Inspector of Police,
Voimedu Police Station,
Vedaranyam Taluk,
Nagapattinam District.
2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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