



CrI.O.P.No.29975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.29975 of 2024

M.Ananthasayanam @ Ananthasayalu

... Petitioner

Vs.

1. The State of Tamil Nadu

Rep. by the Sub-Inspector of Police

Mr.Chandramohan (Investigation Officer)

D-5, Pallipattu Police Station (L & O)

Nagari Pallipattu Road

SurarajaBaattai – 631207

2. Vivek

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. praying to call for the records in C.C.No.34 of 2024 on the file of the District Munsif cum Judicial Magistrate, Pallipattu and quash the same against the petitioner herein .

For Petitioner : M/s.J.Jayavenkatraman

For 1st Respondent : Mr.S.Sugendran

Additional Public Prosecutor



CrI.O.P.No.29975 of 2024

Judicial Magistrate, Pallipattu. The contention of the petitioner is that the

occurrence is alleged to have taken place inside the house and therefore, there was no public view. Hence, Section 294(b) IPC would not attract. Since the alleged occurrence took place within the four walls of the house, the offence under the Women Harassment Act also would not attract. Therefore, it is a false case foisted against the petitioner and the same is liable to be quashed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and also perused the materials available on record.

4. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

5. Perused the FIR, Charge Sheet and the statements recorded from the witnesses under Section 161(3) Cr.P.C. It is seen that L.W.1 is defacto complainant, L.W.2 is the victim and L.W.3 is the neighbour and they have all spoken about the specific overt-act against the petitioner and the role played by



CrI.O.P.No.29975 of 2024

the petitioner.

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6. Any filthy language is uttered in the presence of a third party, the same shall be treated as a public view. Even if it is a closed house and if any other person is present when the accused is uttering filthy language against the victim, then the offence under Section 294(b) IPC would attract and in the same way, the offence under the Woman Harassment would also attract.

7. In this case, there are prima facie allegations levelled against the petitioner in the statements of L.W.1 to L.W.3 and also in the charge sheet. Even though the occurrence has taken place within the house, L.W.3 who is the neighbour and third party and also eye witness has clearly spoken about the involvement of the petitioner. The defence taken by the petitioner are all matter for trial.

8. Since there are prima facie allegations available against the petitioner to proceed further, this Court is not inclined to quash the charge sheet against the petitioner.



Cr.O.P.No.29975 of 2024

9. Accordingly, this Criminal Original Petition is dismissed.

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10. The petitioner is at liberty to take all his defence during trial.

02.12.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. Sub-Inspector of Police

Mr.Chandramohan (Investigation Officer)

D-5, Pallipattu Police Station (L & O)

Nagari Pallipattu Road

SurarajaBaattai – 631207

2. The Public Prosecutor

High Court of Madras



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CrI.O.P.No.29975 of 2024

P.VELMURUGAN. J.

Ksa-2

CrI.O.P.No.29975 of 2024

02.12.2024