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Crl.R.C.No.2001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2001 of 2024 and  
Crl.M.P.Nos.16231 & 16232 of 2024

Dr.S.Murugan I.P.S (Retd)

... Petitioner

Vs.

The State  
Rep by  
Deputy Superintendent of Police,  
Cyber Crime Cell, Crime Branch CID,  
Chennai 08.  
(Cr.No.02 of 2018).

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 & 442 of BNSS, to call for the records in Crl.M.P.No.17847 of 2023 in C.C.No.2313 of 2023 pending on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai-15 and set aside the order dated 15-11-2024 in Crl.M.P.No.17847 of 2023.

For Petitioner : Mr.R.John Sathyan, Senior Counsel for  
Mr.J.H.Batchu

For Respondent : Mr.V.J.Priyadarsana,  
Government Advocate (Crl. Side)



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## ORDER

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This Criminal Revision Case has been filed challenging the impugned order, dated 20.11.2024 in Crl.M.P.No.17847 of 2023 in C.C.No.2313 of 2023 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai.

2.The respondent had filed a final report against the petitioner for the alleged offences under Sections 342, 354, 354A(1)(i), 354A(1)(iii) and 354A(1)(iv) r/w 354A(2) & 354A(3) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act.

3.The allegation against the petitioner in the final report is that the petitioner had made lewd and sarcastic comments against the victim who was then working as Deputy Superintendent of Police and had also shown pornographic videos and images to the victim; that on one occasion on 01.08.2018, the petitioner is said to have locked the door when the petitioner and the victim were alone; and that with an intention to outrage the modesty, the petitioner is said to have attempted to hug the victim.



4.The petitioner had filed a petition for discharge on the ground that the version of the victim does not inspire confidence; that she had made several self contradictory statements and also improbable statements; that there is other evidence on record to show that the victim's statement cannot be believed; that the petitioner was a reputed officer and is now being subjected to the ordeal of trial without any basis; and that therefore, he may be discharged.

5.The Trial Court on the basis of the evidence on record held that the probative value of the evidence cannot be assessed at the stage of charge framing; and that grave suspicion is sufficient to frame charge and dismissed the petitioner's discharge petition.

6.Mr.R.John Sathyan, learned Senior Counsel appearing for the petitioner referred to the statement made by the Guard who was outside the room where the alleged incident is said to have taken place, that no such incident had taken place and submitted that the case is false; that the victim had made alterations in the complaint as regards the date of occurrence; that



since the petitioner had been a strict officer he has been victimised; that though an enquiry was initiated by the Internal Complaints Committee, the victim did not cooperate with the enquiry which also confirms that the complaint is false; that the victim had also refused to handover the mobile phone in which according to her certain messages were sent by the petitioner; and that reading of the messages exchanged between the petitioner and the victim would show that there is nothing incriminating against the petitioner; and hence prayed for discharge.

7.Heard the learned Government Advocate (Crl. Side) appearing for the respondent Police.

8.The victim had made a statement. The points raised by the petitioner is to urge this Court to disbelieve the submissions at this stage. It is well settled that at the stage of charge framing, grave suspicion is sufficient to frame charge. The probative value, the veracity and the effect of the evidence cannot be gone into at this stage. The probable defence of the accused on facts can only be decided in the trial.



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9.Considering the submissions made by the learned Senior Counsel for the petitioner, this Court is of the view that the points raised by the petitioner are matters which could be adjudicated before the trial Court and it is needless to say that the petitioner can raise all the above mentioned points and establish their case before the trial Court.

10.In view of the above, this Court is not inclined to entertain this criminal revision case. Accordingly, the impugned order, dated 20.11.2024 in Crl.M.P.No.17847 of 2023 in C.C.No.2313 of 2023 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai is confirmed and this Criminal Revision Case stands dismissed. Consequently, connected criminal miscellaneous petitions are closed.

20.11.2024

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

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To

- 1.The XI Metropolitan Magistrate,  
Saidapet, Chennai.
- 2.The Deputy Superintendent of Police,  
Cyber Crime Cell, Crime Branch CID,  
Chennai 08.
- 3.The Public Prosecutor,  
Madras High Court.

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