



Crl.O.P(MD).No.12570 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD)No.12570 of 2020

and

Crl.M.P(MD).Nos.5718 & 5722 of 2020

S.Veera Raghavan

... Petitioner / 2nd Accused

Vs.

D.Vasantha Malliga

... Respondent / Complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the private complaint made in PRC.No.13 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.C.Ramesh

For Respondent : Mr.A.Purantharadhas

Legal Aid Counsel

ORDER

This criminal original petition has been filed to quash the impugned charge sheet in PRC.No.13 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai.



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2.The case of the prosecution is that the respondent was working as Senior Manager of Indian Overseas Bank, Dindigul Branch. At that time, the petitioner was also working as Senior Manager of the same Branch. The petitioner tried to misbehave with the respondent. When the same was questioned by the respondent, he abused her in filthy language and harassed her and also caused insult using her community name. Thereby, the respondent lodged a complaint before the Town All Women Police Station, Madurai and the same was registered in Crime No.1 of 2014 for the offence punishable under Section 294(b) of IPC, Section 4 of the Tamil Nadu Prohibition of Women Harassment Act r/w Section 3(i)(x) of Atrocities against SC/ST Act, 1989. After completion of investigation, charge sheet was filed before the learned Judicial Magistrate, Additional Mahila Court, Madurai, and the same was taken on file in PRC.No.13 of 2016. Aggrieved by the same, the petitioner filed this petition.

3.The learned counsel appearing for the petitioner submitted that already the respondent filed a criminal case as against the petitioner and he was acquitted from the said criminal case vide judgment made in



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S.S.C.No.8 of 2016 on the file of the III Additional District and Sessions Judge (PCR), Madurai dated 04.06.2018. The present complaint has been given by the respondent for the same cause of action in order to wreck vengeance. He further submitted that the impugned charge sheet was already quashed by this Court as against the co-accused vide order made in Crl.O.P.(MD)No.8900 of 2016 dated 16.03.2020. When the impugned charge sheet was quashed as against the co-accused, forcing the petitioner to face trial is clear abuse of process of law. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent fairly admitted that the impugned charge sheet was already quashed by this Court.

5.It is seen that the charge sheet in P.R.C.No.13 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, was itself quashed by this Court as against the co-accused vide order made in Crl.O.P.(MD)No.8900 of 2016 dated 16.03.2020. In the said order, this Court held as follows:-

“The petitioner herein is the first accused in a private complaint given by the respondent herein for the



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alleged offences under Sections 3(i) (ix), 3(i)(x), 3(2)(vi), 3(2)(vii) and 4 of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act, 1989 [hereinafter referred to as "the SC/ST Act"] and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act.

2.The learned Judicial Magistrate, Additional Mahila Court, Madurai, has taken the said private complaint on file and assigned P.R.C.No.13 of 2016 and issued summons to the petitioner herein. Contending that the complaint does not make out any offence as alleged, the present petition is filed to quash the proceedings.

3.The brief facts stated in the complaint are that the respondent/complainant viz., D.Vasantha Malliga while working as Senior Manager of Indian Overseas Bank, Dindigul Branch, one Veeraraghavan, Senior Manager of the same Branch, has abused her in filthy language, harassed her and caused insult using her community name. Hence, she has given a complaint to the police, which was registered in Crime No.1 of 2014, on the file of the Madurai Town All Women Police Station. While so, the complaint forwarded by her to the National Commission for Schedule Caste was taken up for enquiry and the National Commission sought for report from the petitioner, who was then working as General Manager, Human Resources Development Department, Indian



Overseas Bank, at its Head Office, Chennai. In response to the notice from the National Commission for Scheduled Caste, the petitioner herein has forwarded her report with false information so as to help the said Veeraraghavan. Particularly, in the report, this petitioner has given information defamatory in nature against the respondent/complainant by stating that the respondent has deserted her husband and married a Christian and also having illicit relationship with one Tamil Oli. Though the personal informations are not at all relevant for the enquiry pending with the National Commission for Scheduled Caste, the petitioner has added these false informations to defame the respondent/complainant. Hence, the provisions of the SC/ST [PoA] Act is attracted.

4.Petitioner herein has sought for the interference of this Court and quash the above said complaint by exercising the power under Section 482 on the ground that she has no proximity with the respondent/complainant. When the Commission called for report from her, being the Superior Officer in the Organization, she collected information from the ground level Officers and forwarded the same to the Commission to facilitate the enquiry. She has not acted against the respondent/complainant and she has no necessity to defame the respondent/complainant. It is the fertile imagination of the respondent/complainant that the petitioner has defamed her by informing her



personal life. As a Senior Officer and In-charge of Human Resources Development Department, she has discharged her duty by collecting the information from the ground level Officers and has forwarded the report to the Commission, for its appreciation. Since the report is not in favour of the respondent/complainant, she with mala fide intention to wreck vengeance, has filed the criminal complaint against this petitioner, who is innocent and had no intention to defame or harass anyone.

5.The petitioner content that, the respondent/complainant, who have some personal enmity with the second accused Veeraraghavan, had already initiated criminal prosecution and the same is pending. While so, for the very same set of facts, she has also gave a representation to the National Commission for Scheduled Caste at New Delhi, in turn the Commission has called for report from the Management. As a Officer In-charge, the petitioner has only forwarded the report received from the ground level Officers. It is for the Commission to consider the veracity of the content of the report. In this sequence of event, the complaint alleging that the petitioner has committed offence under the provisions of the SC/ST [PoA] Act is baseless and case is taken on file without any prima facie material. Hence, the same has to be quashed.



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6. Heard the learned counsel appearing for the petitioner/first accused and the respondent/complainant.

7. A reading of the complaint indicates that the respondent/ complainant while working in Dindigul, had difference of opinion with her colleague Veeraraghavan and therefore, she has already launched a criminal complaint against him, which is pending. Without stopping with the criminal complaint, the respondent/complainant has also chosen to give representation to the National Commission for Scheduled Caste. The Commission has called for report from the Management regarding the content of the complaint given by the respondent. In the course of discharging the duty, the petitioner herein, being the General Manager, working at Chennai, has called for report from the respective Bank Branch Managers and Zonal Managers. The report received from the Branch Managers and the Zonal Managers has been forwarded to the National Commission by this petitioner.

8. The contention of the respondent/complainant is that informations about her personal life namely, deserting her first husband, marrying a Christian as second husband and having illicit relationship with one Tamil Oli, are personal informations and not relevant to the enquiry, the same which ought not to have been stated



in the report, had been added in the report only to defame her.

9.Under what context, these personal informations were included in the report of the respondent and whether it is relevant for the enquiry pending before the Commission are the matter to be decided only by the Commission, which has received the report and seized the matter.

10.On the face of the complaint, this Court finds that the inclusion of alleged defamatory information is noway an utterance or disclosure with intention to cause injury or insult to the respondent/complainant. This information given pursuant to the notice of the National Commission, noway attracts the provision of the SC/ST [PoA] Act, since it is not done to injure or annoy the member of the Scheduled Caste Community, but to assist the Commission to find out whether the complaint given by the respondent/complainant is true. Therefore, this Court finds that there is force in the submission made by the petitioner herein. The allegation of offence in P.R.C.No.13 of 2016, on the face of the record, appears to be motivated, ill-conceived and filed with ulterior motive to rope the Senior Officials in the criminal prosecution so as to prevent them from taking disciplinary action against the respondent/complainant, for unbecoming act of



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intimidation.

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11.Hence, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.13 of 2016, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, is quashed in respect of the petitioner alone. Consequently, connected Miscellaneous Petitions are closed.”

6.The petitioner herein also in the same foot as of the accused in the above said decision and hence, this Court has no hesitation to quash the impugned proceedings. Accordingly, the charge sheet in P.R.C.No.13 of 2016 on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, is hereby quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

13.06.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

The Judicial Magistrate,
Additional Mahila Court, Madurai.



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A.A.NAKKIRAN, J.

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