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Crl.O.P.(MD)No.33 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.33 of 2022
and Crl.M.P(MD).No.55 of 2022

C.Praveen

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
Crime No.1 of 2018.

2.Guru Saran Singh

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in C.C.No.109 of 2020 dated 15.10.2020 on the file of the learned Additional Mahila Court, Nagercoil, Kanyakumari District and quash the same.

For petitioner

: Mr.K.Suyambulinga Bharathi

For R1

: Mr.S.Manikandan
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the charge sheet in C.C.No.109 of 2020 dated 15.10.2020 on the file of the learned Additional Mahila Court, Nagercoil, Kanyakumari District and quash the same.

2. The case of the petitioner is that the defacto complainant belongs to the State of Punjab and he is having two female children, namely, Anjalicore and Kamini. For his avocation, he was residing along with his family members in Kanyakumari District. Anjalicore was studying B.A in Holy Cross College, Nagercoil and Kamini was studying VIII standard in Alphonsa Higher Secondary School in Nagercoil. The petitioner and one Nishanth are friends. Nishanth was studying in the very same school where Kamini studied and Nishanth has developed friendship with Kamini and the petitioner also developed friendship with Anjalicore who is the victim in the present case. While so, all of a sudden, Anjalicore had stopped talking with the petitioner, due to which, the petitioner had harassed Anjalicore by mentally and he was following behind her. On 16.11.2017, when Anjalicore and Kamini were waiting near the bus stop, the petitioner along with his Nisanth came there in a



car and picked them into the car and brought them into Raja's Mal where they have watched cinema. Thereafter, all of them went to the beach where the petitioner made sexual harassment to Anjalicore, without her consent. Hence, the defacto complainant being the father of the victim girl had lodged a complaint against the petitioner before the respondent Police. After conducting investigation, charge sheet has been filed before the learned Additional Mahila Court, Nagercoil and the same was taken on file in C.C.No.109 of 2020 for the offences punishable under Sections 354A, 354D and 506(i) IPC.

3. The learned counsel appearing for the petitioner submits that the defacto complainant is the father of the victim girl and though in the complaint made by the defacto complainant, it is alleged that the petitioner harassed the victim girl, the statement recorded from the victim girl makes it clear that the petitioner and Anjalicore are friends and at one day, the petitioner requested Anjalicore to come for seeing movie with him and the petitioner, Anjalicore and her sister including Nisanth went to Cinema Theater, where the petitioner has proposed his love to her, however, she refused and thereafter, they went to beach and again, he proposed his love affair to her, which was rejected by her. Thereafter, the petitioner and Nishanth left them in their house and therefore, the



offences registered under Sections 354A, 354D and 506(i) IPC would not get attracted, since the petitioner has expressed his love affair only with the victim girl and he has not harassed the victim girl and there are no signs of sexual abuse towards the victim girl. In the absence of any harassment or stalking to the victim girl, implication of the petitioners in the offence under Sections 354A and 354D IPC is not sustainable one and Section 506 (i) IPC also will not attract, since the petitioner has not threatened the victim girl. The learned counsel appearing for the petitioner would further submit that the victim girl has married another man and now settled in New Delhi and therefore, unnecessarily making the petitioner to face the trial is not sustainable one and the petitioner is working in Chennai. Hence, he prays for allowing this Criminal Original Petition.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that even though in the statement recorded from the victim girl, no serious allegation has been made out against the petitioner, the petitioner has expressed his love affair to the victim girl and since she refused the same, the petitioner made sexual harassment to the victim girl. Hence, he prays for dismissal of this petition.



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5. The defacto complainant, being the father of the victim girl, has made a complaint before the first respondent Police against the petitioner on the ground that the petitioner has made sexual harassment to his daughter, based on which, a case in Crime No.1 of 2018 was registered and after completion of investigation, the charge sheet has been filed before the learned Additional Mahila Court, Nagercoil, for the offences punishable under Sections 354A, 354D and 506(i) IPC and the same was taken on file in C.C.No.109 of 2020.

6. A perusal of the statement of victim girl recorded under Section 164 Cr.P.C, reveals that the petitioner and the defacto complainant's daughter were friends and the petitioner has proposed his love affair to the defacto complainant's daughter and it was refused by her, however, there is no utterance of harassment or stalking in the statement made by the defacto complainant's daughter and there are no signs of sexual abuse towards the victim girl. Therefore, the offences registered under Sections 354A and 354D IPC would not get attracted. Moreover, the petitioner has not threatened the defacto complainant's daughter and he has expressed his love affair only to the defacto complainant's daughter. Hence, there are no essential ingredients to constitute the offence punishable under Section 506(1) IPC. Apart from this, the defacto complainant's daughter



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has married another man and now settled in New Delhi. Therefore, unnecessarily making the petitioner to face the trial is not sustainable one. Hence, the proceedings in C.C.No.109 of 2020 on the file of the learned Additional Mahila Court, Nagercoil, Kanyakumari District, is quashed.

7. Accordingly, this Criminal Original Petition is allowed.
Connected miscellaneous petition is closed.

22.02.2024

Index : Yes/No
Internet : Yes/No
ssb

To

- 1.The learned Additional Mahila Court,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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