



WEB COPY

CRL RC No. 216 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 216 of 2025

Sathish

Petitioner

Vs

The State Rep. by,
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
Cr.No.23/2022.

Respondent

PRAYER Criminal Revision Case filed under Section 397 r/w. 401 Cr.P.C., / 438 r/w. 442 of B.N.S.S. to set aside the judgment made in C.A.No.2/2024 on the file learned District Judge at Mayiladuthurai dated 12.09.2024 by confirming the judgment of Learned Judicial Magistrate No.I, Mayiladuthurai in CC No.236/2022 dated 29.12.2023 and allow this revision.

For Petitioner:	Mr.M.Govindarajan
For Respondent:	Dr.C.E.Pratap, Government Advocate (Crl. Side)

ORDER

The Criminal Revision challenges the Judgement of conviction and sentence imposed by the trial Court which is confirmed by the appellate Court for the offence under section 354 (A) IPC.

2. It is a case of the prosecution that the petitioner is a brother in law of the de facto complainant; that the petitioner's brother who is the husband of the



de facto complainant, had matrimonial differences with the de facto complainant; that the de facto complainant was residing in her parents house; that on 03.07.2022 (the date of occurrence), the de facto complainant came to the house where the petitioner was living along with his parents and his elder brother; that at the relevant time, the petitioner's brother / de facto complainant's husband was employed at Chennai; that on the date of the occurrence, while the de facto complainant was cooking in the kitchen, the petitioner had misbehaved with her by touching the back of her shoulder inappropriately; that when the de facto complainant questioned the same, the petitioner had scolded the de facto complainant in filthy language and threatened her of dire consequences;

3. On the complaint given by the de facto complainant on 26.07.2022 (Ex.P1), an FIR was registered for the offences punishable under sections 294(b), 354(A) and 506 (i) IPC and the same was marked as Ex.P2. The Inspector of police who conducted the investigation, had filed the final report in C.C.No.236 of 2022 before the Judicial Magistrate I, Mayiladuthurai for the offences under sections 294(b), 354(A) and 506 (i) IPC. The prosecution had examined eight witnesses and marked Ex.P1 to Ex.P4. The defence did not examine any witness, however, marked Ex.R1 to Ex.R4.



4. The Trial Court found the petitioner guilty for the offence under section 354(A) IPC and acquitted him of all other offences. The Appellate Court confirmed the said conviction and sentence.

5. The learned counsel for the petitioner would submit that the de facto complainant had lodged a false complaint in order to wreak vengeance against her husband with whom she had matrimonial differences; that she had forcibly entered the house of the petitioner on the date of occurrence and it is highly improbable that she was allowed to cook in the kitchen; that there is an enormous unexplained delay of nearly 23 days in lodging the FIR; that on 03.07.2022, the father of the petitioner had lodged a complaint against the de facto complainant; that an enquiry was conducted by the Police on 04.07.2022 and even then, the de facto complainant had not stated about the alleged offence which is said to have taken place on 03.07.2022; and that considering the relationship and the nature of the allegations, the Courts below ought to have acquitted the petitioner even for the offences under Section 354(A) IPC.

6. The learned Government Advocate (Crl. Side) appearing for the respondent would confirm that the Investigation Officer had admitted that the de facto complainant had not explained the delay of 23 days in lodging the complaint and also the fact that the de facto complainant and her husband who is the brother of the petitioner, had matrimonial differences and there were several Court proceedings pending between them.



7. The alleged occurrence is said to have taken place on 03.07.2022. The allegation is that the petitioner inappropriately touched the shoulder of the de facto complainant. Admittedly the petitioner's father had lodged a complaint on 03.07.2022 stating that the de facto complainant had forcibly entered into the house; and an enquiry was conducted on 04.07.2022 by the Police. The de facto complainant had not chosen to inform the police during the said enquiry about the alleged acts of the petitioner. She had not lodged the complaint immediately and had not explained the reason for the delay in lodging the complaint.

8. It is seen that the Courts below have presumed that it was natural for the de facto complainant to be reluctant in lodging the complaint. There cannot be any such presumption in the facts and circumstances of the case as the de facto complainant had an opportunity to make the complaint when the police were making enquires on the complaint against her. It is the case of the prosecution that the de facto complainant has informed the occurrence to P.W.4. Therefore it is not as if the de facto complainant did not want to disclose the occurrence to any person. That apart, even P.W.4 chose not to give any complaint. Further, the Investigating officer, P.W.6 had admitted in his deposition that P.W.4 had prior enmity with the petitioner. Therefore, the fact that the de facto complainant informed about the occurrence to P.W.4 immediately after the occurrence, is also highly doubtful.



9. Considering the nature of the strained relationship that the de facto complainant had with the petitioner's brother and all the family members and the delay in lodging the complaint which has not been explained and there is no explanation by the de facto complainant for not lodging the complaint, even though there was an enquiry by the Police on 04.07.2022, this Court is of the view that it is highly unsafe to convict the petitioner for the offence under Section 354(A) IPC. Hence, the impugned judgements are liable to be set aside.

10. Accordingly, the Judgment of conviction and sentence passed by the learned District Judge at Mayiladuthurai in C.A.No.2/2024 dated 12.09.2024 and the Judgment passed by the learned Judicial Magistrate No.I, Mayiladuthurai in C.C.No.236/2022 dated 29.12.2023 are hereby set aside. The petitioner is acquitted from the charges under Section 354 (A) IPC. The Criminal Revision Case is allowed. Bail bonds, if any, shall stand cancelled. Fine amount, if already paid, shall be refunded.

15-12-2025

vum

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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SUNDER MOHAN,J.

vum

To

WEB COPY

- 1.The Inspector Of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
2. The District Judge at Mayiladuthurai.
3. The Judicial Magistrate No.I, Mayiladuthurai.
4. The Public Prosecutor,
Madras High Court, Chennai.

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