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CRL RC No. 970 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 970 of 2025

1. Dalpat Singh
S/o.Habtaji,
No.2, Ganguraman street, Sowcarpet,
Chennai - 600 007.

Petitioner(s)

Vs

1. The State Rep. by the Inspector of
Police(L AND O),
C2 Elephant Gate Police Station,
Chennai - 600 001.

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, prays to call for the records of the case in Crl.A.No.723/2024 dated 17.04.2025 on the file of the learned XVIII Additional District and Sessions Judge, Chennai confirming the judgment of conviction passed by the learned VIII Metropolitan Magistrate, George Town, Chennai in CC.No.12 of 2023 dated 28.08.2024 and set aside the same and pass such further or other orders as deemed fit.

For Petitioner(s): V.Pavel

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this Revision to set aside the order passed in Crl.A.No.723/2024 dated 17.04.2025 on the file of the learned XVIII Additional District and Sessions Judge, Chennai confirming the judgment of



conviction passed by the learned VIII Metropolitan Magistrate, George Town, Chennai in CC.No.12 of 2023 dated 28.08.2024.

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2. Challenging the concurrent findings of the courts below, the accused has preferred this revision. Before the trial court in C.C. No. 12 of 2023, he was prosecuted for the offences alleged to have been committed under Sections 354(A) and 294(b) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. Though the charges were denied by the accused, trial was conducted, and upon considering the evidence, the learned trial Judge held that the accused had committed the offences under Sections 354A, 294(b) of IPC and under Section 4 of Tamil Nadu Prohibition of Women's Harassment Act and accordingly sentenced him to imprisonment for 3 months simple imprisonment for each count and fine of Rs.10,000/-.

3. Challenging the said conviction, the accused preferred an appeal in CrI.A.No. 723 of 2024. The learned first appellate Judge also confirmed the findings of the trial court and dismissed the appeal. Aggrieved by the concurrent findings of both the courts below, the accused has preferred the present revision.

4. The learned counsel for the petitioner argued that the facts and circumstances of the case were not properly appreciated by the courts below. He further contended that the accused was in fact detained and harassed by the family members of the defacto complainant, against which the accused had



already lodged a complaint. The accused was the first person to approach the police, but his complaint was not considered. On the contrary, in order to escape from the complaint given by the accused, the defacto complainant lodged a false case, which was erroneously accepted by the courts below. He further submitted that the courts failed to take note of the contradictions in the evidence of the prosecution witnesses, including that of the Investigating Officer, which raises serious doubts regarding the fairness of the investigation. Despite such infirmities, the conviction of the accused was sustained, which is erroneous and liable to be set aside.

5. The learned counsel for the petitioner further submitted that all the prosecution witnesses are interested witnesses and no independent witness from the public was examined, though the alleged occurrence took place in a public locality. The Investigating Officer failed to examine any independent witnesses or to verify the CCTV footage from the nearby shops. Without proper verification, a false complaint was registered and an improper final report was filed. The prosecution has failed to prove the case beyond reasonable doubt. Therefore, it was prayed that the findings of the courts below be set aside and the accused be acquitted of all charges.

6. The learned Government Advocate (Crl.Side), in reply, submitted that on the date of occurrence, the accused abused P.W.1 and P.W.2 in a public place



in an indecent manner and also caused harassment to them. The prosecution witnesses have clearly proved the occurrence, and the same was rightly appreciated by both the courts below. Hence, no interference is warranted in this revision, and the petition is liable to be dismissed on merits.

7. The brief facts of the case are as follows: The prosecution case is that on 06.06.2022 at about 5.00 p.m., P.W.1 and P.W.2 along with a child entered the fancy shop situated at Rajendra Complex, run by the accused, to purchase hair clips. While showing the articles, the accused allegedly touched the private part of P.W.1. When she evaded, he again attempted to touch her inappropriately. The same conduct was allegedly repeated against P.W.2. When they objected, the accused invited them inside the shop to have tea in an awkward manner. Frightened by his behaviour, they attempted to call their husbands. At that time, the accused went out of the shop and returned along with the police. Meanwhile, the husbands of P.W.1 and P.W.2 went to the police station and lodged a complaint. Based on the complaint, a case was registered under Sections 294(b), 354-A IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

8. The accused totally denied the allegations and stated that he never misbehaved with P.W.1 and P.W.2 on the date of occurrence. According to him, the shop boys and other customers were present in the shop and no such



incident took place. On the contrary, P.W.1 and P.W.2 misbehaved with the accused, assaulted him and gathered persons from their community, who compelled the police to register a case against him. The accused had also given a complaint stating that P.W.1 and P.W.2 attempted to damage the articles in the shop and attacked him, but his complaint was not considered by the police, and instead he was falsely implicated in this case.

9. To prove the case, the prosecution examined P.W.1 and P.W.2, who admittedly went to the shop on the date of occurrence. According to their evidence, while purchasing hair clips, the accused attempted to misbehave with them, made bad touch and abused them. However, their own evidence reveals that the accused was the first person who went out of the shop and returned with the police. This creates doubt as to whether P.W.1 and P.W.2 approached the police with true facts. The Investigating Officer also appears to have suppressed several material facts while registering the case.

10. Admittedly, the shop is situated in a public commercial complex. Except P.W.1 and P.W.2, no independent witness was examined to support the alleged occurrence. The shop boy, examined as D.W.1, and another witness examined as D.W.2, have stated that they were present in the shop at the relevant time and no such misbehaviour occurred. In the presence of other persons, it is highly improbable that the accused would have attempted to



misbehave with P.W.1 and P.W.2 inside the shop. Their evidence probabilises the defence version that a quarrel arose due to some other reason and that the accused brought the police to the shop.

11. It is also admitted that the accused was detained by certain persons belonging to the community of P.W.1 and P.W.2 and that his complaint was not received by the respondent police. These circumstances show that the real occurrence has not been placed before the court. The defence taken by the accused appears probable. Even the evidence of P.W.1 and P.W.2 shows that they did not give full particulars at the time of lodging the complaint. Their evidence further indicates that they remained inside the shop until their husbands arrived, and only thereafter the accused returned with the police. Therefore, the true facts have not been brought before the court.

12. During arguments, the learned counsel for the petitioner submitted that P.W.1 and P.W.2 attempted to take some articles from the shop in an improper manner, which was objected to by the accused, and hence they lodged a false complaint alleging misbehaviour. The prosecution has failed to prove the case beyond reasonable doubt. No independent evidence is available, and the testimony of interested witnesses alone is insufficient to sustain the conviction. The courts below failed to appreciate these vital aspects properly.



13. In view of the above discussion, this Court is of the opinion that the prosecution has not proved the case beyond reasonable doubt and the real occurrence has not been brought before the court. Therefore, the revision is allowed, the conviction and sentence imposed on the accused are set aside, and the accused is acquitted of all the charges. The bail bond, if any, executed by the accused, shall stand cancelled. The fine amount, if any, paid by the accused/appellant is directed to be refunded.

11-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. The State Rep. By
the Inspector of Police(L & O),
C2 Elephant Gate Police Station,
chennai - 600 001.
2. The XVIII Additional District and
Sessions Judge, Chennai.
3. The VIII Metropolitan Magistrate,
George Town, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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