



CRL OP(MD). No.18638 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.18638 of 2025

and

CrI.MP(MD)Nos.15398 & 15399 of 2025

Abdul Wahab,

... Petitioner

Vs.

**1. State of Tamilnadu Rep by
Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No. 650 of 2025).**

2. Ali Fathima,

... Respondents

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the entire records pertaining to the case in C.C. No. 518 of 2025 on the file of the Ist District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District and quash the same as against the petitioners.

For Petitioner : Mr.A.Velmurugan,

**For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor for R1**



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CRL OP(MD). No.18638 of 2025

ORDER

The petitioner seeks to quash the final report filed for the offences under Sections 329(4), 296(b), 131, 351(3) BNS and Section 4 of TNPHW Act.

2. The gist of the allegations is that the petitioner and the defacto complainant had close relationship; that this was known to the defacto complainant's husband and that when he prevented the defacto complainant from talking to the petitioner, the petitioner on 08.09.2025 at about 4.00 pm., came to the defacto complainant's house and abused her and threatened her of dire consequences, if she did not go with him whenever he called her and also caused hurt by slapping the defacto complainant repeatedly and thus, committed the aforesaid offences.

3. Mr.A.Velmurugan, learned counsel for the petitioner would submit that allegations would not attract the offence under Section 4 of the Tamil Nadu Prevention of Women Harassment Act, since the occurrence did not take place in a public place and the allegations with



CRL OP(MD), No.18638 of 2025

regard to the said offence is contrary to the prosecution case that the petitioner trespassed into the house of the defacto complainant, which is not a public place and hence sought for partial quashing of the offence under Section 4 of the Tamil Nadu Prevention of Women Harassment Act and relied upon the judgment of this Court in the case of ***Gouresh Mehra & Another V. The State rep. by the Sub Inspector of Police*** reported in ***2010 Supreme (Mad) 4606***.

4. The learned Additional Public Prosecutor would submit that the trial Court is yet to frame charges and the points raised by the petitioner can always be adjudicated before the trial Court at the time of charge framing.

5. It is needless to say that unless the ingredients of each of the offences are made out, the trial Court would not frame charges for those offences. It is the case of the petitioner that if the occurrence took place in the house of the defacto complainant, the offence under Section 4 of the Tamil Nadu Prevention of Women Harassment Act, would not be made out as the said offence would be attracted only if it had been committed in a public place and since it had been committed in the

3/6



CRL OP(MD), No.18638 of 2025

confines of a home, the said offence would not be made out.

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6. This Court is of the view that the petitioner can raise all the points before the learned Magistrate, who may consider the aforesaid aspects and frame charges.

7. With the above observations, this Criminal Original Petition is disposed of. The personal appearance of the petitioner before the Trial Court is dispensed with (provided he is represented by a lawyer) unless his appearance is required by the learned Magistrate for the progress of the trial. Consequently, connected Miscellaneous Petitions are closed.

24.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS/dk



CRL OP(MD). No.18638 of 2025

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TO

1. The 1st District Munsif cum Judicial Magistrate,
Cheranmahadevi,
Tirunelveli District.
2. The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD), No.18638 of 2025

SUNDER MOHAN,J

LS /dk

CRL OP(MD) No.18638 of 2025

24.11.2025