



Crl.O.P.(MD)No.23443 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.12.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.23443 of 2025
& Crl.M.P.(MD)No.20348 of 2025

Shanthadevi

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by Inspector of Police,
Keelaselvanoor, Police Station,
Ramanathapuram District.
(In Crime No.8/2019)

2. Arputharaj

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the learned District Munsif Cum Judicial Magistrate Court, Kadaladi, Ramanathapuram District to number and consider the unnumbered Cr.M.Ps applications filed by the petitioner dated 24.11.2025.

For Petitioner : Mr.S.G.L.Rishwanth

For Respondents : Mr.B.Thanga Aravindh (R1)

Government Advocate (Crl.Side)



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ORDER

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This criminal original petition has been filed seeking a direction to the learned District Munsif Cum Judicial Magistrate Court, Kadaladi, Ramanathapuram District to number and consider the unnumbered Cr.M.Ps applications filed by the petitioner dated 24.11.2025.

2. The learned counsel for the petitioner submitted that the petitioner herein is the defacto complainant in Crime No.8 of 2019 registered for the offences punishable under Sections 354C, 294(b), 323 & 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and under Sections 66E and 67A of the Information Technology (Amendment) Act, 2008, as against the second respondent herein.

3. When the petitioner's husband had been working in Qatar, the petitioner was induced by the 2nd respondent to develop an illicit relationship and during the course of the said clandestine relationship, he secretly videographed their private and intimate moments without her knowledge or consent. In due course of time, the second respondent began threatening the petitioner with the said video footage, pestering and coercing her to continue the illicit relationship. In this regard, the petitioner lodged a complaint before



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the respondent police. Pursuant to the said complaint, Crime No. 8 of 2019 was registered, which culminated in the filing of a final report in C.C. No. 57 of 2020 for the offences mentioned above.

4. The learned counsel appearing for the petitioner further submitted that the trial in the case commenced in the year 2020 and that the prosecution has already examined 14 witnesses and marked one material object. It was further submitted that the prosecution has produced the alleged video without obtaining a certificate under Section 65B of the Indian Evidence Act, 1872, and without even sending the same for forensic examination. Such lapses on the part of the investigating agency, it was contended, would defeat the case of the petitioner.

5. The learned counsel appearing for the petitioner further contended that despite the request made by the learned counsel for the de facto complainant, the prosecution has not come forward to file any application seeking a direction to the investigating officer to obtain a certificate under Section 65-B of the Indian Evidence Act, 1872, or to send the video in question for forensic examination. Hence, the petitioner had filed an application before the trial Court. However, the trial Court, pointing out that the de facto



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complainant does not have the locus standi to file such an application, kept the same unnumbered. Hence, the present petition has been filed by the petitioner seeking the aforesaid relief.

6. The learned Government Advocate fairly conceded that it is the duty of the prosecution to conduct the trial properly.

7. Considering the submissions made on either side, the first respondent police is directed to forthwith take necessary steps to send the video in question for forensic examination and to obtain a certificate under Section 65-B of the Indian Evidence Act, 1872, with respect to the said video, and to produce the same before the trial Court. The trial Court is also directed to defer further proceedings, until the said 65-B certificate and the forensic report are obtained and produced by the first respondent police.

8. With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

19.12.2025

NCC : Yes / No
Index : Yes / No



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WEB COPY **TO:-**

1. The Inspector of Police,
Keelaselvanoor, Police Station,
Ramanathapuram District.
2. The District Munsif Cum Judicial Magistrate Court,
Kadaladi, Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.23443 of 2025

Dated
19.12.2025