



CrI.O.P(MD)No.22430 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 29.01.2025
PRONOUNCED ON : 19.02.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.22430 of 2024 and
CRL MP(MD)No.13999 of 2024

M.Jeyasundari

... Petitioner

Vs.

1.The State of Tamilnadu Rep.by
The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Aruppukottai,
Virudhunagar District.

2.The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
(Crime No.124/2024)

3.Kamatchi

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the First Information Report in Crime No. 124 of 2024, dated 20.11.2024, on the file of the 2nd Respondent Police for the offence under Sections 417, 341, 294(b), 506(ii) of Indian Penal Code



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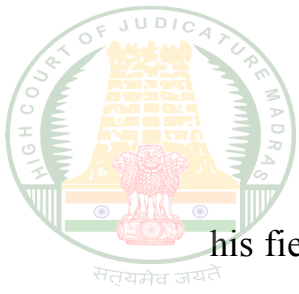
and Section 3(1)(r), 3(1)(s) & 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 and quash the same as illegal as against the petitioner.

For Petitioner : Mr.S.I.Muthiah
For R1 & R2 : Mr.K.Sanjai Gandhi
Govt. Advocate(Crl.Side)
For R3 : Mr.S.Sathya Chidambaram
(Legal Aid Counsel)

ORDER

Seeking to quash the proceedings in Crime No.124 of 2024, dated 20.11.2024, on the file of the 2nd Respondent Police, for the offence under Sections 417, 341, 294(b) and 506(ii) of Indian Penal Code and Section 3(1)(r), 3(1)(s) & 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, the Petitioner/A3, has filed the present Criminal Original Petition.

2.The case of the prosecution is that on 07.05.2024, the 3rd respondent/3rd respondent belongs to Schedule Caste community. The 3rd respondent and her husband eke out their livelihood by doing coolie works. The Petitioner's husband Pandiaraj employed the 3rd respondent as coolie in



his field. The 3rd respondent started working in Pandiaraj field. During this period, the 3rd respondent and Petitioner's husband Pandiaraj developed a relationship. When this relationship between the 3rd respondent and Pandiaraj came out in open, the family members of Pandiaraj viz., his sisters advised Pandiaraj to sever all his ties with the 3rd respondent. The Petitioner and her sister-in-laws are implicated as Accused 2 & 4 as though they abused the 3rd respondent calling her by caste name. Further, the Petitioner and her family members abused the 3rd respondent by citing her societal status and community backdrop. Because of the act of the Petitioner's husband Pandiaraj, the 3rd respondent's life got spoiled, her husband not accepting her and nobody to take care. The Petitioner and other accused are in possession of photographs and video of Pandiaraj and 3rd respondent being together and threatening to use the same to further defame, cause damage and chase the 3rd respondent from the area. Hence, the 2nd Respondent Police registered the Impugned F.I.R under Sections 417, 341, 294 (b), 506(ii) of Indian Penal Code and Section 3(1)(r), 3(1)(s) & 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.



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3.The learned counsel appearing for the petitioner would submit that the allegation of the prosecution case is totally false and the Petitioner not committed any offence as alleged by the Respondents. The Petitioner got married to the said M.Pandiyaraj, an Ex-Army man, out of the said wedlock, they were blessed with one Daughter. The Petitioner is working as Assistant Professor in Ramco Engineering College at Rajaplayam, Virudhunagar District. The Petitioner's husband, an ex-service man from Indian Army, now settled at Aruppukkottai, Virudhunagar District and doing Agriculture. The Petitioner because of her avocation and daughter's education, they were residing in her parent's house at Srivilliputtur. During weekends, vacation and holidays, the Petitioner and her Daughter will spend time at Petitioner's husband's place at Aruppukkottai. The 3rd respondent was employed as a labour in Petitioner husband's grove and in order to extort money induced, the Petitioner's husband fell in relationship with her which was not known to the petitioner who was staying in Rajapalayam with her daughter independently. Later the petitioner's husband Pandiaraj started avoiding the 3rd respondent on the advise of his family members. The petitioner was kept away of any news in this regard. When the Petitioner's husband started avoiding the 3rd respondent, she targeted the



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Petitioner taking advantage of her societal background to extort money from the Petitioner by foisting false complaint. The 3rd respondent is now advised by a team of legal professionals, hence the petitioner has been roped in.

4.The learned counsel for the petitioner further submitted that the allegations leveled in the complaint that the Petitioner and his family members are in possession of photos and videos of the 3rd respondent together with Pandiaraj are false, frivolous and vexatious. The Petitioner and her family members abused the 3rd respondent in filthy language citing her caste name is an imaginary one, absurd, preposterous and falsehood. The Petitioner not involved in any act as alleged. The Respondent Police failed to conduct any preliminary investigation before registering the Impugned FIR, as mandated by the Hon'ble Apex Court in *Lalita Kumari* case. The initiation of the prosecution is an abuse of process of law.

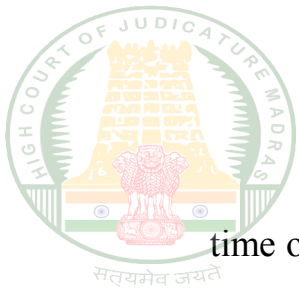
5.Adding further, the learned counsel for the petitioner submitted that pursuant to the Complaint dated 20.10.2024 lodged by the De-facto Complainant, the Petitioner filed a petition in Crl.OP. (MD)No.19706 of



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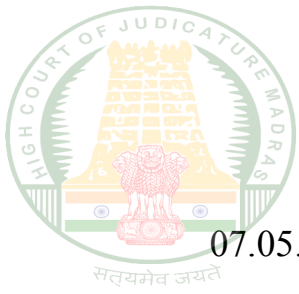
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2024, seeking a direction not to harass the petitioner. In the said petition, on instructions from the 2nd Respondent Police, it was submitted before this Court that the De-facto Complainant, a married lady with children knowingly had relationship with the Petitioner's husband Pandiaraj and now, taking shelter of her social status, lodged the complaint. The relationship of the 3rd respondent with Pandiaraj is a consensual one and the 3rd respondent knowing well the marital status, had continued her relationship with Pandiaraj. He further submitted that in normal course such complaints will be closed after enquiry. Recording the aforesaid submission, this Court disposed of the above petition *vide* order dated 14.11.2024. On the contrary, 2nd Respondent Police now registered the above FIR against the Petitioner, Petitioner's husband and sister-in-laws. The allegations contained in the Impugned FIR does not qualify to constitute the commission of offence under Section 3(1)(r), 3(1)(s) & 3(2) (va) of the SC/ST (Prevention of Atrocities) Act, 1989. Hence the Impugned FIR is liable to be quashed. The learned counsel for the petitioner relied on the decision of the Hon'ble Apex Court in the case of “***Gurucharan Singh and Others v. State of Punjab reported in 2024 SCC OnLine P&H 14105***” for the point that the accused is not aware of the complainant's case at the



time of incident and as such the prosecution cannot be maintained under the
WEB CO SC/ST (Prevention of Atrocities) Act, 1989.

6.The learned counsel for the 3rd Respondent would submit that the 3rd respondent and her husband eke out their livelihood by doing coolie works. The Petitioner's husband met the de-facto complainant, called her for doing labour works at his grove. The De-facto Complainant started to work as a labourer in Petitioner husband's grove, thereby, the De-facto Complainant and Petitioner's husband developed a relationship. The Petitioner and her sister-in-laws/Accused 2 & 4 abused the De-facto Complainant in filthy language by citing her caste and community. Further, the Petitioner and her family members defamed and abused the De-facto Complainant by citing her societal status and community backdrop. The act of the Petitioner's husband and his family members, the De-facto Complainant's life got spoiled and she is now left in lurch by her husband Murugan. The Petitioner and his family members are in possession of photographs and video of the Petitioner's husband and De-facto Complainant being together and threatening to use the same to further defame and assault the De-facto Complainant. Hence, on the complaint of the 3rd respondent, dated



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07.05.2024, the 2nd Respondent Police registered the F.I.R under Sections 417, 341, 294 (b), 506(ii) of Indian Penal Code and Section 3(1)(r), 3(1)(s) & 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989. He further submitted that an FIR can be quashed only if it is established such FIR does not disclose any offence. Once it is established that the FIR, if found to be true, constitutes an offence, the Court cannot quash that FIR at investigation stage. Hence, prayed for dismissal of the petition.

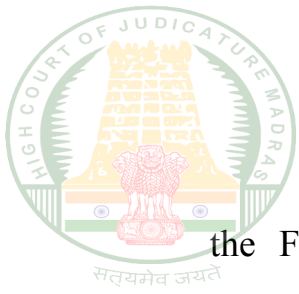
7.The learned Government Advocate (CrI.Side) appearing for the Respondent Police would submit that the 3rd respondent was working as a labour in the Petitioner's husband grove. The De-facto Complainant and Petitioner's husband developed a relationship. When the relationship between the De-facto Complainant and Petitioner's husband came to know to the petitioner and other family members, the Petitioner along with her family members defamed and abused the De-facto Complainant by citing her societal status and community. The Petitioner and his family members got hold of the photographs and video of the Petitioner's husband and De-facto Complainant being together and threatening to use the same to defame and abuse the De-facto Complainant. Hence, the 2nd Respondent Police



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registered the Impugned F.I.R under Sections 417, 341, 294 (b), 506(ii) of Indian Penal Code and Section 3(1)(r), 3(1)(s) & 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, on the complaint of the 3rd respondent dated 07.05.2024 and the investigation is still pending. As regards the allegation of *mala fide* intention, the learned Government Advocate submitted that once the FIR discloses an offence punishable under law, the plea of malice cannot be scrutinized at investigation stage. Hence, the learned Government Advocate prays to reject the petition.

8.Considering the rival submissions and on perusal of the materials, it is seen that the petitioner is a Professor in Ramco Engineering College. She is residing with her daughter at Rajapalayam in her parents home. The petitioner's husband, an ex-service man, resides in his native, is carrying on agricultural work in Arupukottai, at that time, the petitioner's husband said to have developed close relationship with the 3rd respondent and due to which, the 3rd respondent's husband, namely, Murugan left her and the petitioner's husband/Pandiyaraj and the 3rd respondent/Kamatchi continued their relationship for some time. Later, some difference arose between them and they got separated, the 3rd respondent/Kamatchi lodged a complaint and



the First Information Report registered against the petitioner and her relatives.

9.The question now is whether the complaint given by the 3rd respondent that the Petitioner and her family members defamed and abused the De-facto Complainant by citing her societal status and community backdrop is with *mala fide* intention can only be ascertained during investigation. In this case, the admitted position is that the 3rd respondent and Pandiaraj are married persons having respective family with growing up children. Knowingly the 3rd respondent had physical relationship with the petitioner's husband Pandiaraj on several occasions which is a consensual one. The 3rd respondent's husband Murugan left the 3rd respondent to have his own way of life and living separately. The relationship between the 3rd respondent and Pandiaraj appears to be grown stronger. Thereafter, it was noticed and found by Pandiaraj family members and trouble started.

10.It is also seen that the petitioner herein is an Assistant Professor in Engineering College, Rajapalayam, she has got a school going girl child who is also studying at Rajapalayam. The petitioner and her daughter are

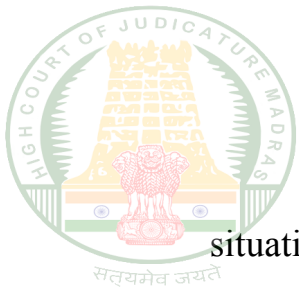


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living in Rajapalayam along with the petitioner's parents. The relationship between the petitioner's husband and the 3rd respondent even after coming out in open was not informed and kept concealed to the petitioner. Later on coming to know about the same, she got agitated and questioned the relationship which is a normal conduct expected from any person who gets cheated and betrayed. This cannot be termed to be an act of crime as projected by the 3rd respondent.

11.The petitioner is now under shock and pain, lost her matrimonial life due to the 3rd respondent's act and relationship with the petitioner's husband Pandiaraj. Added to it, she is suffering ignominy and made to face the above case. The petitioner is living far away with her daughter and she is more worried about her daughter's future and her upbringing without any stigma, otherwise it would cost the future of her girl child and further amount to persecution.

12.From the above discussion, it is clear that the overtact attributed against the petitioner is nothing but to cause harassment with ulterior motive by the 3rd respondent. Considering the petitioner's precarious



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situation and the nature of the present case, this Court is inclined to quash
the FIR registered against the petitioner.s

13.In the result, this Criminal Original Petition stands allowed and the
FIR in Crime No.124 of 2024, dated 20.11.2024 registered by the 2nd
respondent Police is quashed as against the petitioner/A3 alone.
Consequently, connected criminal miscellaneous petition is closed.

19.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police
Aruppukottai,
Virudhunagar District.
- 2.The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Pre-Delivery Order made in

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