



*Crl.R.C.No.1598 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.11.2025  
PRONOUNCED ON : 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1598 of 2022

Tamilarasan

... Petitioner

Vs.

The State rep. by  
The Sub-Inspector of Police,  
Reddichavadi Police Station,  
Cuddalore District.  
Crime No.154 of 2020

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w. 401 Cr.P.C. to call for the connected records in C.A.No.18 of 2021 order dated 29.08.2022 on the file of Principal District Sessions Judge, Cuddalore confirming the conviction and sentence imposed in C.C.No.145 of 2020 dated 24.03.2021 on the file of the Judicial Magistrate, Additional Mahila Court, Cuddalore for an offence under Section 4 of Tamil Nadu Prohibition of Women Harassment Act and sentenced to two years rigorous imprisonment and fine of Rs.10,000/- (fine paid) and one year rigorous imprisonment under Section 506(ii) IPC and both sentence to run concurrently and set aside the conviction and sentence imposed against the petitioner and set him at liberty.



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For Petitioner : Mr.R.Sankarasubbu  
For Respondent : Mr.Leonard Arul Joseph Selvam  
Additional Public Prosecutor  
For Defacto  
Complainant : Ms.J.Selva Princy Ebenezer

### ORDER

The petitioner/accused was convicted by the learned Judicial Magistrate, Additional Mahila Court, Cuddalore by judgment passed in C.C.No.145 of 2020 dated 24.03.2021 and sentenced him to undergo two years simple imprisonment and to pay a fine of Rs.,10,000/-, in default, to undergo six months simple imprisonment for the offence under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act and to undergo one year simple imprisonment for the offence under Section 294(b) IPC. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.18 of 2021. The learned Principal District and Sessions Judge, Cuddalore by judgment dated 29.08.2022 dismissed the appeal, confirming the judgment of the Trial Court. Against which, the present revision petition filed.

2.The gist of the case is that on 23.06.2020 PW1/defacto complainant



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lodge a complaint/Ex.P1 against the petitioner stating that on 19.06.2020 at about 11.30 p.m., when PW1 and her father/PW4 were sleeping in front of their house in open, the petitioner came there, lifted the skirt and saree of the defacto complainant and called her out with bad intention. The defacto complainant woke up and shouted at the petitioner. Immediately, he shut the mouth of the defacto complainant, threatened her that she would be done away if she disclosed it to anyone. On receipt of complaint, PW9/Special Sub-Inspector of Police registered FIR/Ex.P4 in Crime No.154 of 2020 and placed it before PW10/Sub-Inspector of Police. Thereafter, PW10 visited the scene of occurrence, prepared observation mahazar/Ex.P2 and rough sketch/Ex.P5 in presence of witnesses PW7 and PW8. On completion of investigation, charge sheet filed. During trial, PW1 to PW10 examined and Ex.P1 to Ex.P5 marked on the side of the prosecution. On the side of the defence, no witness examined and no documents marked. On conclusion of trial, the Trial Court convicted the petitioner and sentenced him as stated above. Aggrieved against the same, the petitioner preferred an appeal. The Lower Appellate Court dismissed the appeal, confirming the judgment of the Trial Court.



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3.The contention of the learned counsel for the petitioner is that the petitioner and his neighbour, the defacto complainant/PW1 were having long dispute between them for more than three decades and they were not in talking terms. On 20.06.2020, the defacto complainant's son attacked the petitioner's mother and damaged their house, the petitioner's mother lodged a complaint against him and a case in Crime No.191 of 2020 is pending. Earlier, there was an election dispute between one Alagasen, uncle of the petitioner and Murugaiyan, brother of the defacto complainant and this dispute is still continuing. The petitioner's brother Elamputhiir was attacked by the defacto complainant's son and a case in C.C.No.180 of 2018 is pending against them before the learned Judicial Magistrate No.II, Cuddalore. There were continuous disputes for decades, further as neighbours there were fight between them, they had acrimonious relationship. In such circumstances, it is now projected as though on 19.06.2020 PW1/defacto complainant and her father/PW4 when both were sleeping outside their house in open due to heat and humidity, at that time, the petitioner had come there by 11:30 p.m., removed the saree and skirt of PW1/defacto complainant, laid over her, shut her mouth and warned and thereafter the petitioner escaped from the place which is highly artificial, a



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motivated complaint. Apart from PW1 and PW2, another close relative PW3 projected as eye witness. In this case, PW2 and PW3 not deposed anything about the occurrence proper. PW4/father of the defacto complainant states that he saw the petitioner entering the house. PW2 and PW3 further clarified that when they heard shout of PW1, they came and enquired her, she informed she had bad dreams and at that time, they saw her dress was found in shambles. The evidence of PW5, a villager, is that he heard a noise on 19.06.2020 at about 11:00 p.m. The evidence of PW6, Village Headman, is that on 20.06.2020 at about 6.00 a.m., PW1 came and complained about the petitioner, he was called for enquiry but petitioner not available in the village for three days, hence PW6 asked PW1 to lodge a complaint and thereafter, complaint was lodged to PW9, the petitioner's mother was assaulted by PW1's son and the house was damaged for which a complaint lodged and case in Crime No.191 of 2020 registered. Further, for several decades, election disputes and property disputes brewing between both families. It is highly impossible that the petitioner could have committed or attempted such an act. In this case, the alleged occurrence is on 19.06.2020 but the complaint lodged only on 23.06.2020, no reason for delay given. From the above, it is clear the present case is nothing but a



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counter case in defence to the previous cases against the defacto complainant family. It is further stated that the incident took place at 11:30 p.m. in the night, but none of the witnesses stated about the availability of light. The petitioner is a Law Graduate, when he is about to get enrolled as an Advocate, to stall him from getting enrolled as an Advocate, the above case foisted.

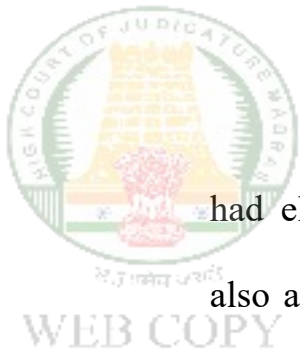
4.The learned Additional Public Prosecutor strongly opposed the petitioner's contention and submitted that in this case, PW1 is the victim who lodged a complaint on 23.06.2020 to PW9 for the incident that took place on 19.06.2020. The petitioner and victim are neighbours, PW1 and PW4, daughter and father were sleeping in open due to heat and humidity, at that time, the petitioner had come there, lifted the skirt and saree of PW1 and attempted to misbehave with her. The defacto complainant woke up, shouted, petitioner threatened her and ran away to his house. PW4/father of the defacto complainant saw the petitioner running to his house. PW2 and PW3, cousins and neighbors on hearing the shout of PW1 came down and found the dress of PW1 in shambles. When enquired, PW1 stated that she had some bad dreams. But the next day, after getting composed and coming



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to reality, she informed the act of the petitioner. PW6/Village Headman, who normally resolves the dispute among the villagers was approached by the defacto complainant on 20.06.2020. The petitioner was summoned but he had not responded. Waiting for three days, finding petitioner absconding, PW6 informed PW1 to lodge a complaint. Thereafter, PW1 lodged a complaint to PW9, who registered the FIR. PW10 took up investigation, prepared observation mahazar and rough sketch in the presence of PW7 and PW8, enquired the witnesses present in the scene of occurrence and on conclusion of investigation, charge sheet filed. During the trial, PW1 to PW10 examined and Ex.P1 to Ex.P5 marked. PW1 statement, corroborated by PW2 to PW4, thus on conclusion of trial, the Trial Court convicted the petitioner as stated above. On appeal, the Lower Appellate Court independently considered the case and dismissed the appeal, confirming the conviction of the Trial Court.

5.Considering the submissions made and on perusal of the materials, it is seen that the defacto complainant and the petitioner are neighbours. They were not having cordial and good relationship for decades. They were acrimonious. The petitioner's uncle and the defacto complainant's brother



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had election dispute, which is still continuing, further as neighbours and also adjacent agricultural land owners, they have constant dispute between them. On 20.06.2020, the petitioner's mother lodged a complaint against PW1's son for attacking the petitioner's mother and causing damage to the property and a case registered in Crime No.191 of 2020. In this case, for the occurrence which is stated to have taken place on 19.06.2020, complaint lodged only on 23.06.2020. Though an explanation attempted by giving reasons for the delay, that PW6/Village Headman called the petitioner for enquiry and for that reason three days delay in lodging the complaint, which is highly improbable and unacceptable. There have been earlier cases between the petitioner's family and defacto complainant's family and this is not the first case. PW5 claims that he is a villager, residing in the village for 55 years, but pleads ignorance with regard to the election dispute, property dispute and attack of the defacto complainant's son on the petitioner's mother. The respondent police on 20.06.2020 registered a case against the defacto complainant's son in Crime No.191 of 2020. Added to it, the admitted position is that the defacto complainant's son attacked the petitioner's brother and a case in C.C.No.180 of 2018 is pending before learned Judicial Magistrate No.II, Cuddalore. Thus, there is no good or



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cordial relationship, further there has been continuous acrimony between the petitioner and the defacto complainant's family for decades which is seen from several cases pending against each other. Except for the evidence of PW1, no other witness seen the petitioner committing the indecent attack or intimidation to the defacto complainant, defacto complainant's evidence is with contradictions not supported or corroborated by any witness or materials. From the above facts, it is seen that the above case is nothing but a counter-blast to the attack made on the petitioner's mother and a case filed against the son of PW1. In this case, all the witnesses are interested witnesses. Further, there are contradictions between them. Both the Courts below failed to consider the acrimonious relationship between both family, in such circumstances it is highly improbable for such an act or attempt. The prosecution case is highly doubtful. In view of the above, this Court is inclined to set aside the conviction and sentence imposed by the Trial Court which is confirmed by the Lower Appellate Court.

6. Accordingly, the judgment in C.C.No.145 of 2020 dated 24.03.2021 passed by the learned Judicial Magistrate, Additional Mahila Court, Cuddalore which is confirmed by the learned Principal District and Sessions



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Judge, Cuddalore by judgment dated 29.08.2022 in C.A.No.18 of 2021 are set aside and the petitioner is acquitted from all charges. It is made clear that this case cannot be quoted against the petitioner in any manner, affecting his career prospects in any manner.

7.In the result, the Criminal Revision Petition stands allowed.

07.01.2026

Index: Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation: Yes/No  
*cse*



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To

- 1.The Sub-Inspector of Police,  
Reddichavadi Police Station,  
Cuddalore District.
- 2.The Judicial Magistrate,  
Additional Mahila Court,  
Cuddalore.
- 3.The Principal District and Sessions Judge,  
Cuddalore.
- 4.The Public Prosecutor,  
High Court, Madras.



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M.NIRMAL KUMAR, J.

*cse*

Pre-delivery order made in

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