



Crl.OP(MD)No.2086 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2086 of 2024

and

Crl.M.P.(MD)Nos.1734 and 1735 of 2024

K.Muthukrishnan

... Petitioner/Accused

Vs.

1. The State of Tamil Nadu,
Rep . by the Inspector of Police,
All Women Police Station,
Dindigul District.
Crime No.32/2022

... Respondent / Complainant

2. Meghaladevi

... Respondent /
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the calendar case in C.C No. 172 of 2023 pending on the file of the trial court namely Additional Mahila court, (Judicial Magistrate level) Dindigul and to quash the same.

For Petitioner : Mr.C.M.Arumugam

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)



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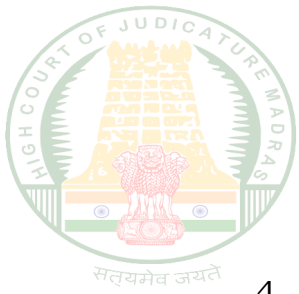
For R-2 : No appearance

ORDER

The present Criminal Original Petition invokes the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure seeking quashment of the criminal prosecution pending in C.C.No.172 of 2023 on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Dindigul.

2. The petitioner, who is presently serving as Deputy Commissioner of Commercial Taxes, stands prosecuted for the offence under Section 509 IPC pursuant to the complaint allegedly emanating from the proceedings initiated under the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

3. The case presents an interesting interplay between the statutory mechanism contemplated under the Sexual Harassment of Women at Workplace Act, 2013, the criminal law machinery under the Indian Penal Code, and the inherent powers of the High Court to prevent abuse of process.



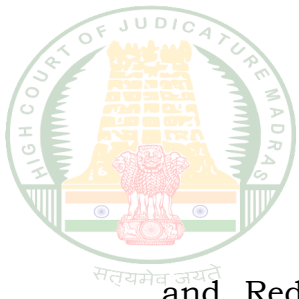
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4. The petitioner seeks quashment principally on the grounds of statutory non-compliance, unexplained delay, absence of ingredients constituting the alleged offence, procedural irregularities in the Internal Complaints Committee proceedings, and the alleged contradiction between the enquiry findings and the criminal prosecution launched thereafter.

Case of the prosecution:

5. The prosecution case, as could be culled out from the First Information Report, final report, typed set of papers and the materials placed before this Court, is that the petitioner was functioning as Assistant Commissioner in the Commercial Taxes Department at Dindigul, while one Annalakshmi was serving as State Tax Officer (Audit).

6. It is alleged that the said Annalakshmi lodged a complaint on 20.02.2019 before the Joint Commissioner (Sales Tax), Commercial Taxes Department, Madurai, under Section 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition



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and Redressal) Act, 2013, alleging that the petitioner had sent objectionable and abusive WhatsApp messages to her.

7. Pursuant thereto, the complaint was referred to the Internal Complaints Committee for enquiry. The petitioner and the complainant appeared before the Committee on 05.03.2019. According to the petitioner, he was advised to tender an apology letter in order to close the issue and, accordingly, an apology letter came to be submitted by him. The proceedings were thereafter closed on 07.03.2019.

8. Subsequently, it is alleged that the petitioner again sent WhatsApp messages to the complainant during the months of May and June 2019 and that another enquiry was conducted by the Internal Complaints Committee. The Internal Complaints Committee, by proceedings dated 14.08.2019, recommended initiation of criminal action under Section 509 IPC and also recommended departmental proceedings.



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9. Thereafter, based on the complaint allegedly forwarded by the second respondent, the first respondent police registered Crime No.32 of 2022 on 29.12.2022 for offences under Section 509 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

10. Upon completion of investigation, the respondent police filed the final report before the learned Additional Mahila Court (Judicial Magistrate Level), Dindigul, and the same was taken on file in C.C.No.172 of 2023 for the offence under Section 509 IPC alone.

Grounds for quash:

11. The petitioner seeks quashment of the prosecution on the following grounds:

(i) Violation of Section 11 of the Act of 2013:

According to the petitioner, Section 11 of the Sexual Harassment of Women at Workplace Act contemplates that where a *prima facie* case exists, the complaint shall be forwarded to the police within seven days. In the instant case, though the enquiry was



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completed in August 2019, the complaint was forwarded only in December 2022 after an unexplained delay of more than three years.

(ii) Bar of Limitation:

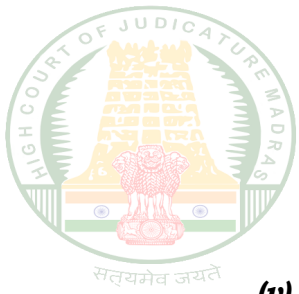
The petitioner contends that the prosecution is hopelessly barred by limitation and that even the registration of the FIR is vitiated on account of extraordinary and unexplained delay.

(iii) Absence of Ingredients under Section 509 IPC:

It is further contended that the final report does not disclose the essential ingredients necessary to constitute an offence under Section 509 IPC and that no incriminating electronic evidence has been produced.

(iv) Contradictory Findings of Internal Committee:

The petitioner would further contend that the Internal Complaints Committee itself, in its communication dated 09.09.2022, recorded that no further disturbance had been caused to the complainant and that no necessity arose for initiating criminal action.



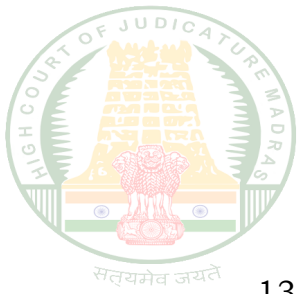
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(v) Reopening of Enquiry Proceedings:

It is also contended that the complaint was again reopened in 2023 without any fresh complaint from the alleged victim and that the same itself demonstrates arbitrariness in the proceedings.

Arguments on either side:

12. The learned counsel appearing for the petitioner would submit that the entire prosecution is nothing but a gross abuse of process of law. The learned counsel would vehemently contend that the statutory mandate contained under Section 11 of the Sexual Harassment of Women at Workplace Act has been flagrantly violated. According to the learned counsel, the enquiry proceedings culminated as early as on 14.08.2019, whereas the criminal complaint was forwarded only on 29.12.2022. Such enormous delay, according to the petitioner, strikes at the very root of the prosecution. The learned counsel would further submit that the legislature consciously incorporated the seven-day stipulation under Section 11 in order to prevent stale and motivated prosecutions.



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13. It is further argued that the alleged WhatsApp messages themselves have not been produced before the Court and no forensic extraction or certification under Section 65-B of the Indian Evidence Act has been placed along with the final report. The learned counsel would submit that continuation of criminal proceedings in the absence of primary electronic evidence would amount to a futile exercise.

14. The learned counsel would further draw the attention of this Court to the communication dated 09.09.2022 allegedly issued by the Internal Complaints Committee, wherein it was recorded that no further complaint of disturbance had been received from the aggrieved woman and that no necessity arose to initiate criminal proceedings. The learned counsel would therefore submit that the subsequent complaint lodged in December 2022 is wholly artificial and unsustainable.

15. The learned counsel further relied upon the celebrated judgment in **State of Haryana Vs. Bhajan Lal**¹, particularly the

¹ 1992 Supp (1) SCC 335



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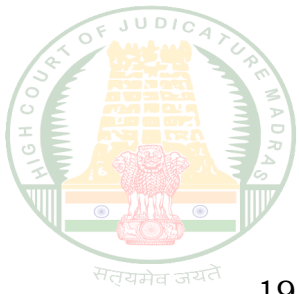
category dealing with legal bar to institution or continuance of proceedings.

16. Reliance was also placed upon the decision of the Hon'ble Supreme Court in ***Ghanshyam Soni Vs. State (Govt. of NCT of Delhi)***², to contend that limitation and delay go to the very maintainability of the prosecution.

17. Per contra, the learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the allegations levelled against the petitioner disclose a clear *prima facie* offence under Section 509 IPC.

18. The learned Government Advocate would contend that the petitioner himself had admitted his misconduct before the Internal Complaints Committee and had tendered an apology letter. Such conduct, according to the prosecution, constitutes a strong incriminating circumstance. It is further submitted that the inherent jurisdiction under Section 482 Cr.P.C. cannot be exercised to conduct a mini trial or appreciate disputed facts.

² 2025 INSC 803



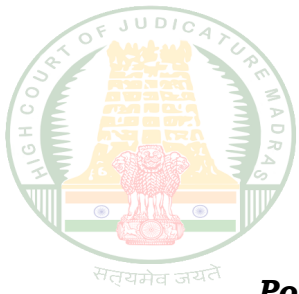
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19. The learned Government Advocate would submit that whether the WhatsApp messages were actually sent by the petitioner, whether the complainant was subjected to insult or harassment, and whether the apology letter amounts to admission are all matters requiring evidence during trial. It is also contended that procedural irregularities in departmental or internal enquiry proceedings cannot automatically nullify a criminal prosecution if the allegations otherwise disclose commission of an offence.

20. The learned counsel appearing for the second respondent would further submit that offences relating to sexual harassment at workplace must be approached with sensitivity and seriousness. It is argued that technical objections regarding delay cannot eclipse the larger issue of dignity and protection of women at workplace. The learned counsel would further contend that the petitioner cannot take advantage of procedural defects after having participated in the enquiry proceedings.

21. Heard the learned counsels on either side and carefully perused the materials available on record.



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Points for consideration:

22. In the light of the rival submissions, the following points arise for consideration:

i. Whether the criminal prosecution is vitiated on account of violation of the procedure contemplated under the Sexual Harassment of Women at Workplace Act, 2013?

ii. Whether the extraordinary delay in registration of the FIR renders the prosecution unsustainable?

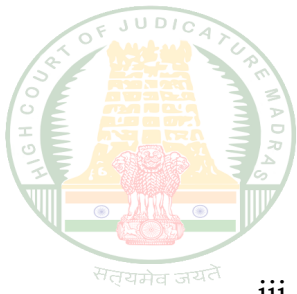
iii. Whether the materials available on record disclose the essential ingredients constituting an offence under Section 509 IPC?

iv. Whether continuation of the prosecution would amount to abuse of process of Court warranting interference under Section 482 Cr.P.C.?

Analysis:

23. Scope of Interference under Section 482 Cr.P.C.:

- i. The law regarding exercise of inherent jurisdiction is too well settled to require elaboration.
- ii. The inherent powers of the High Court are intended to prevent abuse of process and secure the ends of justice.



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- iii. At the same time, such powers are to be exercised sparingly and with circumspection.
- iv. The principles laid down in ***State of Haryana Vs. Bhajan Lal***³ continue to hold the field and constitute the governing parameters in matters relating to quashment.
- v. One such category recognized in ***State of Haryana Vs. Bhajan Lal***⁴ is where there exists an express legal bar to institution or continuance of proceedings.

Statutory Scheme under the Act of 2013:

24. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 creates a complete statutory framework for enquiry into workplace harassment complaints. Section 9 provides for filing of complaint within three months from the date of incident.

25. Section 10 contemplates conciliation between the parties. Section 11 contemplates enquiry by the Internal Committee and

3 1992 Supp (1) SCC 335

4 Supra 3



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further provides that if a *prima facie* case exists, the complaint may be forwarded to the police within seven days.

26. In the present case, admittedly, the second enquiry proceedings culminated on 14.08.2019. However, the FIR came to be registered only on 29.12.2022. The delay is not of a few weeks or months, but extends beyond three years. Significantly, no satisfactory explanation is forthcoming from the prosecution for such enormous delay. The prosecution also does not place any material to demonstrate continuous acts constituting a continuing offence.

Effect of Delay:

27. Delay by itself may not always be fatal to criminal prosecution. However, in offences of the present nature, where the prosecution rests predominantly upon electronic communications allegedly exchanged in the year 2019, prompt initiation of proceedings assumes great significance.

28. The delay in the present case assumes further importance in view of the communication dated 09.09.2022 allegedly issued by



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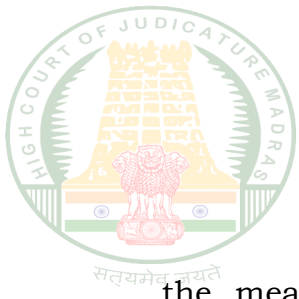
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the Internal Complaints Committee itself. The translated purport of the said communication indicates that no further complaint of disturbance had been received from the complainant and therefore there was no necessity to proceed through police action. Curiously, despite such observation, the complaint came to be forwarded subsequently in December 2022. The prosecution has not satisfactorily explained this contradiction.

Ingredients of Section 509 IPC:

29. Section 509 IPC contemplates words, gestures or acts intended to insult the modesty of a woman. Mere vague allegations without specific particulars cannot sustain prosecution under Section 509 IPC. In the case on hand, though repeated references are made to WhatsApp messages, the prosecution has not placed before this Court the actual contents of such messages.

30. No authenticated electronic records appear to have been collected and annexed along with the final report. At least at this stage, there is no material demonstrating how the alleged messages satisfy the ingredients of insulting the modesty of a woman within



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the meaning of Section 509 IPC. This Court is conscious that appreciation of evidence ordinarily falls within the domain of trial.

31. However, when the foundational materials themselves are conspicuously absent and when the prosecution is clouded by procedural irregularities and unexplained delay, the Court cannot remain a silent spectator.

Departmental Proceedings:

32. Another significant circumstance is that the departmental proceedings initiated against the petitioner were eventually dropped by the Commissioner of Commercial Taxes on 02.06.2023. Though departmental exoneration by itself may not automatically result in quashment of criminal proceedings, the same nevertheless constitutes a relevant surrounding circumstance while testing the bona fides and sustainability of the prosecution.

Reopening of Proceedings:

33. Yet another disturbing feature is the reopening of enquiry proceedings in 2023 without any fresh complaint from the alleged



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victim. Such repeated reopening of concluded proceedings, particularly after lapse of several years, creates serious doubt regarding the fairness and consistency of the process adopted.

Abuse of Process:

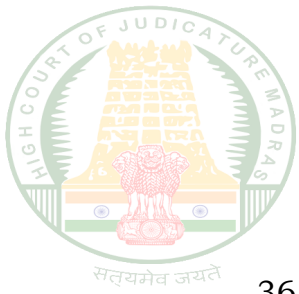
34. The cumulative effect of:

- (i) the unexplained delay of more than three years,
- (ii) absence of contemporaneous criminal action,
- (iii) contradictory internal communications,
- (iv) absence of primary electronic evidence,
- (v) reopening of concluded proceedings, and
- (vi) lack of clear materials constituting the offence,

persuades this Court to conclude that continuation of the prosecution would amount to abuse of process of Court.

35. The present case squarely falls within the categories illustratively laid down in ***State of Haryana Vs. Bhajan Lal***⁵ This Court is therefore inclined to exercise its inherent jurisdiction.

⁵ 1992 Supp (1) SCC 335



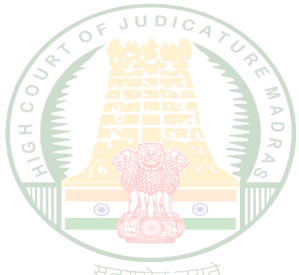
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36. The object of the Sexual Harassment of Women at Workplace Act, 2013 is undeniably salutary and indispensable in modern constitutional governance. Protection of dignity of women at workplace is not merely a statutory imperative but a constitutional obligation flowing from Articles 14, 15 and 21 of the Constitution of India.

37. At the same time, the statutory safeguards embedded within the enactment cannot be permitted to be diluted by arbitrary or procedurally inconsistent actions. Criminal law cannot be set into motion in a casual or uncertain manner after unexplained and enormous delay. The majesty of criminal jurisprudence rests equally upon protection of victims as well as protection against arbitrary prosecution. Courts are duty bound to preserve this delicate equilibrium.

38. In the result, this Criminal Original Petition is **allowed**. The proceedings in C.C.No.172 of 2023 pending on the file of the learned Additional Mahila Court (Judicial Magistrate Level), Dindigul,



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are hereby quashed. Consequently, connected Criminal
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Miscellaneous Petitions are closed.

01.06.2026

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

To

- 1.The Judge,
Additional Mahila court,
(Judicial Magistrate level)
Dindigul.
- 2.The Inspector of Police,
All Women Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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