



CRL A(MD). No.684 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.06.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.684 of 2026

Mahalakshmi

... Appellant

Vs

1.Soundarapandiyan

2.Murali

3.Pandi

4.The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

... Respondents

Prayer: Appeal filed under Section 413 of BNSS to call for the records in S.C.No.162 of 2021 on the file of the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur for the offences under Sections 366 and 506(ii) of IPC and Section 4 of TNPHW Act and set aside the Judgment of acquittal passed by the learned Judge on 06.11.2025, thereby allow this appeal by convicting the accused for the charges framed against them.



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For Appellant : Mr.Kathirvelu, senior counsel,
for Mr.K.Prabhu

For Respondents : Mr.V.Moushica,
Government Advocate (Crl. Side)
for R4

Mr.C.Gangai Amaran for R1 to R3

ORDER

Aggrieved by the judgment dated 06.11.2025 passed in S.C.No. 162 of 2021 by the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, PW2 has preferred the present appeal.

2. The appellant's mother had lodged a complaint before the Inspector of Police, Sattur Taluk Police Station, in the year 2019, based on which an investigation was conducted and a final report was filed against the respondents 1 to 3 for the offences punishable under Sections 366 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. The case was tried by the learned Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, and the learned Judge, by judgment dated 06.11.2025, acquitted the respondents 1 to 3 on the ground that the prosecution had not made out its case.

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3. The case of the prosecution is that several years prior to the occurrence, the appellant had developed acquaintance with A1 and used to speak with him over the phone. On coming to know of the same, the appellant's mother lodged a complaint before All Women Police Station. Both of them were called for enquiry, and the appellant was advised by the police. Thereafter, the appellant stopped communicating with A1. Despite this, A1 continued to harass the appellant insisting that she should continue her relationship with him. While so, on 10.12.2019 at about 12.30 p.m., while the appellant was working, A1 came there armed with an aruval (billhook), threatened the appellant, caught hold of her hair and dragged her out of the factory. When others attempted to intervene, A1 threatened them with the weapon and warned them not to come near. A2 and A3 also joined A1 and threatened the witnesses with dire consequences. Thereafter, all the three accused forced the appellant into a TN-70-A-4009 Trax Cruiser vehicle, threatened her with the aruval and kidnapped her. Hence, the complaint.



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4. However, the Trial Court has disbelieved the prosecution version and has acquitted the respondents 1 to 3 vide Judgment dated 06.11.2025.

5. The learned Senior Counsel appearing for the appellant submits that the mother of the appellant had lodged the complaint, but the Police had not conducted the investigation in a proper manner and the evidence was also not collected in a proper manner and, therefore, the Trial Court disbelieved the case of the prosecution and acquitted the respondents 1 to 3. The respondents 1 to 3 / A1 to A3, taking advantage of the judgment passed by the Trial Court, are now harassing the appellant by issuing a legal notice claiming damages and, therefore, in order to protect herself and her interest, the appellant / PW2, who is the victim, has now filed the present appeal.

6. The learned counsel appearing for the respondents 1 to 3, submits that there was a relationship between the appellant and the first respondent and the appellant was 21 years old at the relevant point of time. However, the mother of the appellant had lodged the complaint as



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if it was the respondents 1 to 3 who had abducted her daughter. It is not so. Therefore, the Trial Court acquitted the respondents 1 to 3 / A1 to A3.

The respondents 1 to 3 had undergone the ordeal of trial for a period of five years and, therefore, the first respondent had decided to initiate proceedings claiming damages. Now, he has advised the first respondent not to precipitate the issue any further and, therefore, he submits that the first respondent / A1 would not prosecute the appellant for damages.

7. This Court considered the rival submissions made on either side.

8. Before dwelling into the merits of the case, since the appeal is filed as against an order of acquittal, it is necessary to bear in mind the principles governing the appeal against acquittal, as laid down by the Hon'ble Supreme Court in *V.Sejappa v. State [(2016) 12 SCC 150]*, wherein, the Hon'ble Supreme Court has followed its own decision in *Muralidhar v. State of Karnataka [(2014) 5 SCC 730]*. The guidelines issued in the said decision are extracted hereunder:-



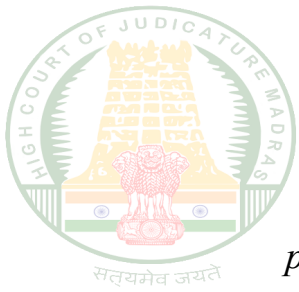
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“23. ... (i) There is presumption of innocence in favour of an accused person and such presumption is strengthened by the order of acquittal passed in his favour by the trial court;

(ii) The accused person is entitled to the benefit of reasonable doubt when it deals with the merit of the appeal against acquittal;

(iii) Though, the powers of the appellate court in considering the appeals against acquittal are as extensive as its powers in appeals against convictions but the appellate court is generally loath in disturbing the finding of fact recorded by the trial court. It is so because the trial court had an advantage of seeing the demeanour of the witnesses. If the trial court takes a reasonable view of the facts of the case, interference by the appellate court with the judgment of acquittal is not justified. Unless, the conclusions reached by the trial court are palpably wrong or based on erroneous view of the law or if such conclusions are allowed to stand, they are likely to result in grave injustice, the reluctance on the part of the appellate court in interfering with such conclusions is fully justified; and

(iv) Merely because the appellate court on reappreciation and re-evaluation of the evidence is inclined to take a different view, interference with the judgment of acquittal is not justified if the view taken by the trial court is a



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possible view. The evenly balanced views of the evidence must not result in the interference by the appellate court in the judgment of the trial court."

9. In yet another decision in the case of ***Chandrappa Vs State of Karnataka [(2007) 4 SCC 415]***, the Hon'ble Supreme Court has laid down the following general principles regarding powers of the appellate Court while dealing with an appeal against an order of acquittal:-

"(1) An appellate Court has full power to review, re-appreciate and reconsider the evidence upon which the order of acquittal is founded.

(2) The Code of Criminal Procedure, 1973 puts on limitation restriction or condition on exercise of such power and an appellate Court on the evidence before it may reach its own conclusion, both on questions of fact and of law.

(3) Various expressions, such as, 'substantial and compelling reasons', good and sufficient grounds', 'very strong circumstances', distorted conclusions', 'glaring mistakes', etc are not intended to curtail extensive powers of an appellate Court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of language' to emphasise the reluctance of an appellate Court to interfere with acquittal than to curtail the power of the Court to review the evidence and to come to its own conclusion.



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(4) An appellate Court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent Court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial Court.

(5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate Court should not disturb the finding of acquittal recorded by the trial Court.”

10. In the instance case, it appears that there was a relationship between the appellant / PW2 and the first respondent. The appellant's mother had lodged the complaint, based on which the final report had been filed. The appellant appears to have filed this appeal pursuant to the legal notice issued by the first respondent claiming damages for malicious prosecution. As could be seen, the learned counsel for the respondents 1 to 3 submits that he has advised the first respondent and the first respondent has also agreed and is not willing to pursue any proceedings for malicious prosecution against the appellant.



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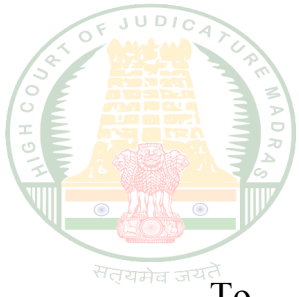
11. At this juncture, the learned Senior Counsel appearing for the appellant also submits that he would advise his client not to pursue the issue any further.

12. The scope of an appeal against acquittal is very limited. As could be seen from the principles extracted hereinabove, the Hon'ble Supreme Court has issued various guidelines and laid down the parameters governing the exercise of jurisdiction while entertaining an appeal against acquittal. Even if there is a small iota of evidence in favour of the accused, the benefit thereof has to be extended to the accused. Therefore, this Court is not inclined to entertain the appeal. Considering the limited scope of the appeal, the undertaking given by the learned counsel appearing on either side, and in order to give a quietus to the issue, this Criminal Appeal is dismissed.

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Index : Yes / No
NCC : Yes / No

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1. The learned Sessions Judge,
Fast Track Mahila Court,
Virudhunagar District at Srivilliputhur.
2. The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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