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Crl.O.P.(MD)No.21691 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.21691 of 2018

and

Crl.MP(MD)Nos.10053 and 10054 of 2018

K.Arumugam : Petitioner/A3

Vs.

1.State represented through
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(Crime No.56 of 2015)

: R1/Complainant

2.P.Sakila

: R2/De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in CC No.36 of 2016 on the file of the District Munsif-cum-Judicial Magistrate, Nanguneri.

For Petitioner : Mr.R.Karunanithi

For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

For 2nd Respondent : No appearance



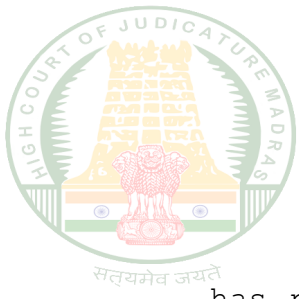
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O R D E R

WEB COPY This criminal original petition has been filed by the petitioners seeking quashment of CC No.36 of 2016 on the file of the District Munsif-cum-Judicial Magistrate, Nanguneri.

2.The case of the prosecution in brief:-

On 27/03/2015, the de-facto complainant went to the house of her husband with a view to join with him and at that time, A1 namely Renuga Devi abused her in filthy language and tried to shut the door. At that time, the fingers of the de-facto complainant got struck in the door and she sustained injuries. At that time, the accused 2 and 3 joined hands with A1, abused her in filthy language and she was also driven out of the house. So on the basis of the complaint given by the de-facto complainant, a case in crime No.56 of 2015 for the offences under sections 294(b), 323 IPC and section 4 of [Tamil Nadu Prohibition of Harassment of Woman Act, 1998](#) @ 294(b), 325 IPC and section 4 of [Tamil Nadu Prohibition of Harassment of Woman Act, 1998](#) and after completing the formalities of investigation, final report was filed before the Judicial Magistrate, Nanguneri, which was taken cognizance in CC No.36 of 2016.

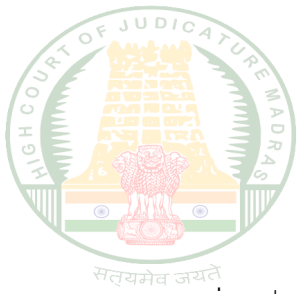


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3. Seeking quashment of the same, A3 namely K.Arumugam has preferred this quash petition on the ground that he is noway involved in the dispute between the husband and wife and he tried to make a compromise between them as a social activist and except that, he is not involved in the above said occurrence and he has been falsely implicated in this case.

4. Heard both sides.

5. It is a classical case, good samaritan turned into foe in the process of conciliation between the husband and wife. As mentioned by the petitioner, it appears that the 2nd accused namely Premkumar and the de-facto complainant are husband and wife. There was some sort of matrimonial dispute between them. The 2nd respondent was not inimical towards her husband. According to her, frequent trouble has been created by the 1st accused, who is her mother-in-law and for that purpose only, to avoid further trouble, she wanted to have a separate residence. With a view to make a compromise, over that issue, she went to the house and there, she was driven out and in the course of shutting the door, she got injured.



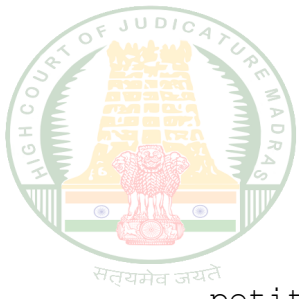
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6. In this context, the involvement of this petitioner is to be seen. From the typed set of papers, which are made available to the court, it is seen that as stated earlier, several efforts were made by the second respondent to have a joint living and during the course of compromise talk between the husband and wife, it appears that social justice organisation, which was run by this petitioner was involved. Even though, the learned counsel appearing for the petitioner would submit that the petitioner is running the above said social justice organisation for the purpose of making compromise between the rival groups, but this is not a Recognized organisation by law. For private purpose, the conciliation process available can be utilised by the husband and wife. But for the purpose of making compromise an organisation in the name of the 'social justice' cannot be formed.

7. Now whatever it may be, it is seen that this petitioner is involved in the dispute between the husband and wife with a view to make a compromise and after the above said occurrence, he has given a detailed representation to the police authorities stating that he has been falsely implicated, of course, he has been made some allegations against the 2nd respondent also, which we are not concerned herein.

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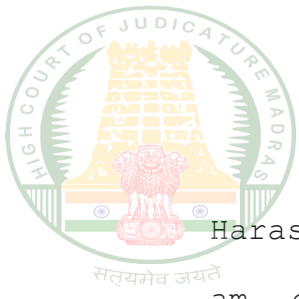
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8.From the factual situation, it is seen that this petitioner was involved in the dispute between the husband and wife, only to make compromise between them. In such circumstances, the complaint that this petitioner has also joined hands with A1 and A2 and abused her in filthy language and driven out of the second respondent appears to be inherently improbable. It is nothing, but a mala fide complaint. The charge against this petitioner is that he also abused the de-facto complainant in filthy language. But nowhere in the statement or in the complaint, the de-facto complainant has stated anything about the abusive language that was used by this petitioner.

9.So the next charge is that more-over, the offence under section 294(b) IPC can be attracted, if only it is committed in the public place or in the public view. But here, the occurrence said to have been taken place in the house of A2.

10.The next offence that has been registered is under section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1988. But in the facts and circumstances of this case, in the light of the allegation made against this petitioner section 4 of the Tamil Nadu Prohibition of



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Harassment of Woman Act, 1998 also does not attract. So I am of the considered view that the continuation of proceedings against this petitioner will amount to abuse of process of court and law.

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11.In view of the above facts, this criminal original petition is allowed. The impugned proceedings in CC No.36 of 2016 pending on the file of the District Munsif-cum-Judicial Magistrate, Nanguneri, is quashed against the petitioner. Consequently, connected Miscellaneous Petitions are closed.

22.03.2022

Internet:Yes/No
Index:Yes/No
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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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G . I L A N G O V A N , J . ,

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- To,
- 1.The Judicial Magistrate,
Nanguneri.
 - 2.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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