



IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE NO.I
KODAIKANAL

Present :Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif Cum Judicial Magistrate No1,
Kodaikanal.

Monday the 20th day of July 2026

CC.No. 77/2025

(CNR.No.TNDG11-001862-2025)

State Rep by Sub Inspector of Police,
Thandikudi PS,
Crime No. 88/2025

...Complainant

/ Vs /

1. Hariharan Age 27 of 2026
S/o. Ramamoorthy,
2. Prasanna Age 26 of 2026
S/o. Ramamoorthy,
3. Ramamoorthy Age 54 of 2026
S/o. Palaniyandi,
4. Santhi Age 46 of 2026
W/o. Ramamoorthy,
5. Hema Gowri Age 20 of 2026
D/o. Prakash @ Ayyappan,
6. Pharanikumar Age 34 of 2026
S/o. Shanmugam,

....Accused

1.	Serial Number	C.C.No. 77 of 2023
2.	Name of the police station and the crime number of the offence.	Thandikudi P.S., Cr. No. 88 of 2025

Description of the Accused		
3.	Name	1. Hariharan Age 27 of 2026 S/o. Ramamoorthy, No 13 -1- 30, Oothu Raod, Aladipatti, Pannaikadu, Kodaikanal.
4.	Age	
5.	Father's Name	
6.	Residence.	2. Prasanna Age 26 of 2026 S/o. Ramamoorthy, No 13 -1- 30, Oothu Raod, Aladipatti, Pannaikadu, Kodaikanal. 3. Ramamoorthy Age 54 of 2026 S/o. Palaniyandi, No 13 -1- 30, Oothu Raod, Aladipatti, Pannaikadu, Kodaikanal. 4. Santhi Age 46 of 2026 W/o. Ramamoorthy, No 13 -1- 30, Oothu Raod, Aladipatti, Pannaikadu, Kodaikanal. 5. Hema Gowri Age 20 of 2026 D/o. Prakash @ Ayyappan, No 40 B/2, Vanjiyamman Kovil Veethi, Mathukarai Market, Mathukarai, Coimbatore. 6. Pharanikumar Age 34 of 2026 S/o. Shanmugam, No 14 -3- 59C, Oothu Raod, Aladipatti, Pannaikadu, Kodaikanal.
7.	Occupation.	A1. Hotel Employee A2. Farmer A3. Tailor A4. Labourer A5. House Wife A6. Driver

Date of				
8.	Occurrence.	27.06.2025		
9.	Complaint.	28.06.2025		
10.	Apprehension.	--		
11.	Release on bail.	A1 to A6 got anticipatory bail as per order of the Hon’ble Principal District Court, Dindigul in CrI.M.P.No.1384/2025 dated 11.07.2025		
12.	Commitment.	-		
13.	Commencement of trial.	30.03.2026		
14.	Closure of trial.	20.07.2026		
15.	Sentence or order.	Acquitted.		
16.	Service of copy of judgment or finding on accused.	-NA-		
17.	Explanation for delay.	-		
Case Summary				
18.	Period of remand.	--		
19.	Date of e-filing of charge sheet.	04.12.2025		
20.	Date of Questioning under Section 263 BNSS	15.06.2026		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW 1	06.07.2026	06.07.2026
		PW 2	06.07.2026	06.07.2026
		PW 3	06.07.2026	06.07.2026
		PW 4	13.07.2026	13.07.2026

23.	Date of examination of the accused under section 351	20.07.2026
24.	Details of the abscondance of the accused and his appearance/ production.	-Nil-
25.	Grant of Stay by superior court and the result thereof.	-Nil-

This case is taken on file as CC.No.77/2025 and the state being represented by Assistant Public Prosecutor- Grade I and Mr.J.Clement Raja.,counsel for Accused and after perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following .

JUDGENT

The sub inspector of police, Thandikudi Police Station had laid a final report against the accused A1 Hariharan, A2 Prasana, A3 Ramamoorthy, A4 Santhi, A5 Hema Gowri and A6 Paranikumar on the receipt of complaint from Kannikaparameswari W/o Harihran.

2. The prosecution case in brief is that:-

The de facto complainant is a resident of Aladipatti Village, comprised in the Kodakanal. The arrayed accused A1 Hariharan is the husband of the de facto complainant. It the case of the prosecution that on 27.06.2025 at 07.00 PM on account of marital spat, the de facto complainant was subjected to manhandling by her husbands family members, who were arrayed as accused herein. Being subject to harassment the de facto complainant left to her parents home which is located nearby her. Later at 11.30 PM of the said same date, the accused A1 to A6 alleged came the parents house of de facto complainant and called her in obscene words. When the de facto complainant and her parents namely Senthilkumar and Alageswari came out of their houses. The accused A1 to A6 accounted to have used criminal force against de facto complainant and her parents, and further pushed them to the ground. Following which accused A2 accounted to have struck Senthilkumar and Alageswari with a wooden club. Being aggrieved the de facto Complainant Kannika Parameswari lodged complaint with the Thandikudi PS specifying the imputation that the accused A1 Hariharan, A2 Prasana, A3 Ramamoorthy, A4 Santhi, A5 Hema Gowri and A6 Paranikumar has committed an offence U/s 191(2), 296(b), 115(2), 118(1) BNS and Sec 4 of TNPHW Act. Whereas based on the investigation carried out, final report was filed against accused A1 to A6 imputing offence U/s 191(2), 296(b), 115(2), 118(1) BNS and Sec 4 of TNPHW Act .

2. On consideration the police report cognizance was taken U/s 191(2), 296(b), 115(2), 118(1) BNS and Sec 4 of TNPHW Act against the accused A1 Hariharan, A2 Prasana, A3 Ramamoorthy, A4 Santhi, A5 Hema Gowri and A6 Paranikumar. The accused A1 to A6 while so were enlarged on bail.

3. The accused A1 to A6 were summoned, and on their appearance copies were furnished U/s 230 of the BNSS and after giving sufficient time, the accused were questioned by putting the substance of accusation and the same was denied by the accused, since prima facie case existed as to commission of offence triable by this court, charges were framed against the accused A1 U/s 191(2), 296(b), 115(2) 3 counts and 4 of TNPHW Act. A2 U/s 191(2), 296(b), 115(2), 118 (1) (2 counts) BNS and 4 of TNPHW Act. A3 191(2), 296(b), 115(2)(3 counts) and 4 of TNPHW. A4 U/s 191(2), 296(b), 118(1) 2 counts BNS. A5 U/s 191 (2), 296(b), 115(2) (3 counts) BNS and A6 U/s 191(2), 296(b), 115(2) (3 counts) BNS and sec 4 of TNPHW Act was read and explained to the accused, and was asked whether they pleads guilty or has any defence to make. To which the accused A1 to A6 denied the charges and claimed to be tried. Hence this court proceeded with the examination of prosecution witnesses.

4. On behalf of the prosecution, witnesses PW1 to PW4 were examined and Ex P1 to P7 were marked, no material objects were marked on behalf of the prosecution. De facto complainant Kannigaparameswari, and the injured witness Senthilkumar and Alageswari were examined as PW1 to PW3 respectively. The serving sub inspector of Thandikudi Police Station namely Rajendran was examined as PW4 behest the prosecution.

5. The case of the prosecution as is deposed by the prosecution witnesses:-

PW1 Kannikaparameswari in his deposition has categorically stated that, since she is a beautician by profession, frequent squabble used to arise between her and her husband named A1 Hariharan. It is the case of PW1 that, when she approached the police authorities seeking to be reunited with her husband, the police personnels obtained her signature on a blank sheet of paper under the guise of facilitating reconciliation. PW1 denied as to any other imputation as avowed by prosecution. The version of PW1 stood concealed of the prosecution imputation placed against accused Hariharan, Prasana, Ramamoorthy, Santhi, Hema Gowri and Paramikumar namely rioting, utterance of obscene words, causing hurt by dangerous weapon or means, harrassment and criminal intimidation, thus PW1 turned and was treated as hostile witness by prosecution. The prosecution being permitted to raise leading questions went futile and failed to support the prosecution assertion. PW2 Senthilkumar and PW3 Alageswari as advanced by the prosecution,

denied the prosecution case in its entirety. The evidence of PW1 to PW3 does not support the prosecution case and fails to lend even minimal corroboration to prosecution version. Further on behalf of the prosecution PW4 Rajendran Sub Inspector of police was examined and deposed as to the account of PW1 Kannigaparameswari lodged complaint Ex P1 to the Thandikudi PS consequence which was registered as Cr No. 88 of 2025 and the FIR so registered was marked as Ex P2. The observation Mahazar and Rough Sketch so prepared on progress of the investigation was marked as Ex P3 and P4 respectively. The wound certificate pertain Kannikaparameswari, Alageswari and Senthilkumar were marked as Ex P5 to P7 respectively.

6. On completion of prosecution evidence, the incriminating materials available on record as deposed by the prosecution witnesses was put to the accused A1 to A6 and they denied the same as false evidence. No witnesses were examined nor marked by the accused/defence. The point which arises for consideration is i) whether the prosecution has proved the charges against the accused A to A6 beyond reasonable doubt? ii) If point No.i) is answered affirmative, what would be a sentence appropriate to be passed against the accused.

7. The Public prosecutor submitted that the complainant herself and injured witnesses, being the key witnesses having disowned their statement and there being non-availability of other material witnesses, this court may take a possible view from the evidence available on record.

8. The counsel representing the accused/ defence submitted that having no substantial evidence against the accused, the prosecution has failed to establish any of the charges against the accused. Therefore the accused are entitled to be acquitted from all the charges.

9. Having considered the submission of both sides and having gone through the entire case records meticulously and having applied my conscious I answer the points. The complainant police laid the final report against the accused Hariharan, Prasana, Ramamoorthy, Santhi, Hema Gowri and Paranikumar for various charges. To substantiate the charges the prosecution examined, in total 4 witnesses amongst whom PW1 the de facto complainant who having set the criminal law in motion disowned her prior statement reduced to writing statement i.e. the complaint. PW1 to PW3 failed to substantiate the prosecution assertion. The account of PW1 to PW3 stands nix as to the use of criminal force and causing hurt by the accused as imputed by the prosecution, and the version of PW1 to PW3 stands abstracted as to it. In the absence of the imputation as averred by the prosecution being proved in adherence to the burden of proof and facts being placed and proved, the court cannot arrive to culpability of the accused based on mere assumption. The testimony of PW4

Rajendran merely shimmers the factum of registration of FIR and the steps in investigation process conducted, zilch was brought by the prosecution to point the involvement of accused Hariharan, Prasana, Ramamoorthy, Santhi, Hema Gowri and Paranikumar in the crime alleged.

10. The point to be decide by this court is that, is it ritual to acquit the accused when the complainant and the victim turns hostile. It is settled proposition of law the hostility of a witness cannot demolish the prosecution case where it has already been built on some other evidence and surrounding circumstance. Arriving to case for consideration PW1 to PW3 turned hostile, whether the evidence of hostile witness to be totally discarded, the answered specified being no, this court proceeds with the view laid down in the case State Vs Harischandra Tukaran, wherein it being specified that when the testimony of such witness is acceptable to the extent to which it is corroborated by the evidence of reliable witnesses, but in this case there is not even a bit of scintillating factor is deposed against the accused A1 to A4. The presence of accused in scene of occurrence, stands neither placed nor proved. Absence of any weapon of article (wooden club) recovery undermines the prosecution version. It is therefore, in view of the above discussion, I hold that the prosecution has failed to establish any charge against the accused.

Thus on the stand point view of prudent man, from the above discussion, it has come out that the prosecution has not proved the guilt of the accused beyond reasonable doubt. As such the offence allege against the accused A1 U/s 191(2), 296(b), 115(2) 3 counts and 4 of TNPHW Act. A2 U/s 191(2), 296(b), 115(2), 118 (1) (2 counts) BNS and 4 of TNPHW Act. A3 191(2), 296(b), 115(2)(3 counts) and 4 of TNPHW. A4 U/s 191(2), 296(b), 118(1) 2 counts BNS. A5 U/s 191 (2), 296(b), 115(2) (3 counts) BNS and A6 U/s 191(2), 296(b), 115(2) (3 counts) BNS and sec 4 of TNPHW Act was not proved and found not guilty, the accused Hariharan, Prasana, Ramamoorthy, Santhi, Hema Gowri and Paranikumar are acquitted U/s 271(1) of BNSS.

No property adduced either behest the prosecution or defence hence no property order passed. The bond if any executed by the accused shall be cancelled after period specified for appeal.

Dictated to steno typist, typed by him directly on computer, verified by me to be correct and pronounced in open court on 20th day of July, 2026.

District Munsif Cum Judicial Magistrate No 1,
Kodaikanal.

Prosecution Side Witness

- PW 1 – Kannikaparameswari
- PW 2 – Senthilkumar
- PW 3 – Alageswari
- PW 4 – Rajendran, Sub-Inspector.

Exhibits of the Prosecution

- Ex. P1 – Complaint
- Ex. P2 – First Information Report
- Ex. P3 – Observation Mahazar
- Ex. P4 – Rough Sketch
- Ex. P5 – Wound Certificate of Kannikaparameswari
- Ex. P6 – Wound Certificate of Senthilkumar
- Ex. P7 – Wound Certificate of Alageswari

Defence Side Witness: NIL

Exhibits of the Defence: NIL

Material Objects for Prosecution : NIL

Material Objects for Defence : NIL

District Munsif Cum Judicial Magistrate No 1,
Kodaikanal.

Note:

- During the period of trial the accused were enlarged on bail.
- No witnesses were held more than three days without examination.
- Judgment Date : 20.07.2026.
- Copy to Hon'ble Chief Judicial Magistrate, Dindigul.

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Present : Thiru. R.Arun Pandian, B.A., B.L.,(Hons), M.L.,
District Munsif cum Judicial Magistrate No1,
Kodaikanal.
Monday the 20th day of July 2026

Complainant	:	The Sub - Inspector of Police, Thandikudi
Accused	:	1. Hariharan 2. Prasanna 3. Ramamoorthy 4. Santhi 5. Hema Gowri 6. Pharanikumar
Offence	:	U/s 191(2), 296(b), 115(2), 118(1) BNS and Sec 4 of TNPHW Act .
Finding	:	Found Not guilty
Sentence	:	Acquitted
1.	Serial Number.	CC.No.77/2025
Description of the Accused		
2.	Name	1. Hariharan Age 27 of 2026 S/o. Ramamoorthy,
3.	Age	No 13 -1- 30, Oothu Raod, Aladipatti, Pannaikadu,
4.	Father's Name	Kodaikanal.
5.	Residence.	2. Prasanna Age 26 of 2026 S/o. Ramamoorthy, No 13 -1- 30, Oothu Raod, Aladipatti, Pannaikadu, Kodaikanal.
		3. Ramamoorthy Age 54 of 2026 S/o. Palaniyandi, No 13 -1- 30, Oothu Raod, Aladipatti, Pannaikadu, Kodaikanal.
		4. Santhi Age 46 of 2026 W/o. Ramamoorthy,

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6.	Occupation.	A1. Hotel Employee A2. Farmer A3. Tailor A4. Labourer A5. House Wife A6. Driver
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10.	Release on bail	A1 to A6 got anticipatory bail as per order of the Hon'ble Principal District Court, Dindigul in CrI.M.P.No.1384/2025 dated 11.07.2025
11.	Commitment	--
12.	Commencement of trial	30.03.2026
13.	Closure of trial	20.07.2026
14.	Sentence or order	20.07.2026

15.	Explanation for delay	-
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**District Munsif cum Judicial Magistrate No.I,
Kodaikanal.**