

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE  
UTHUKULI**

**Present :** Thiru.B.Dharaneether B.A.,L.L.M.,  
District Munsif Cum Judicial Magistrate  
Uthukuli.

**Dated :** Monday, the 30<sup>th</sup> day of March, 2026.

**C.C.No: 280 of 2019**

(CNR No. TNTI23-000343-2019)

Inspector of Police

Uthukuli P.S,

Cr.No. 284 of 2018

U/sec. 294(b), 323, 324, 354C, 506(2) IPC

... Complainant

-VS -

1. Tr.Govindhasamy

S/o. Senniappan

2. Tmt. Jamunarani

W/o. Govindhasamy

... Accused

This case having coming up on 30.03.2026 for final hearing before me in the presence of Tmt.Hema, B.A.,B.L., Assistant Public Prosecutor Grade I appearing for State and Advocate S.Devarajan appearing for accused. Upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following.

**JUDGMENT**

This case arises out of the final report filed in Crime No. 284 of 2018 on the file of Uthukuli Police Station for the offences punishable under Sections 294(b), 323, 324, 354(c) and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of

Harassment of Woman Act. The case has been taken on file in C.C. No. 280 of 2019 by this Court.

2. The allegations of the prosecution, in brief, are that on 08.07.2018 at about 10.30 a.m., near Indian Oil Petrol Bunk, the accused persons, due to prior enmity arising out of business rivalry, abused the defacto complainant Divya in filthy language, outraged her modesty by watching her while bathing and thereafter assaulted her with a beer bottle and a wooden stick, causing injuries, and also criminally intimidated her. The Investigating Officer, upon completion of investigation, filed a final report against the accused for the above said offences.

3. The accused appeared before this Court and were furnished with copies of documents under Section 207 Cr.P.C. Upon hearing both sides and on perusal of materials available on record, this Court framed charges against the accused for the offences punishable under Sections 294(b), 323, 324, 354(c) and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act. When questioned, the accused denied the charges and claimed to be tried.

### **PROSECUTION CASE**

4. In order to substantiate the charges levelled against the accused, the prosecution examined eight witnesses as P.W.1 to P.W.8 and marked relevant documents and material objects.

5. P.W.1 Divya, the defacto complainant, has deposed that at the time of occurrence she along with her husband Palanisamy was running a hotel near Indian

Oil Petrol Bunk. According to her, on 08.07.2018, while she was bathing, the first accused Govindasamy peeped at her. When she informed the same to her husband Palanisamy, both the accused persons abused them in filthy language and attacked her with a beer bottle and a stick, causing injuries on her head and body. She has further stated that she was taken to the Government Hospital and thereafter lodged a complaint.

6. P.W.2 Palanisamy, the husband of P.W.1 Divya, has corroborated the version of P.W.1 Divya and has stated that on hearing from his wife about the alleged act of the accused Govindasamy, he questioned him, upon which both the accused persons attacked his wife with a beer bottle and stick and also abused and threatened them.

7. P.W.3 Rangasamy, an independent witness, has deposed that there was a quarrel between the parties near the hotel and that one of the accused was holding a beer bottle and assault took place, though he has not clearly spoken about the entire sequence of events leading to the occurrence.

8. P.W.4 Periyasamy @ Kannukutti, the owner of the premises where the hotel was functioning, has deposed that he was present at the time of occurrence and that the accused Govindasamy took a beer bottle and assaulted P.W.1 Divya, and the second accused also attacked her with a stick and caused injuries.

9. P.W.5 Palanisamy and P.W.6 Vellingiri are the mahazar witnesses, who have deposed that the police prepared observation mahazar and seized material objects

such as broken beer bottle and wooden stick in their presence and obtained their signatures.

10. P.W.7, Dr. Balamurugan, has deposed that on 08.07.2018 at about 11.30 a.m., P.W.1 Divya was brought to the Government Hospital, Uthukuli, with a lacerated injury on her head and other injuries, and after examination, he treated her and issued wound certificate stating that the injuries sustained by her are simple in nature.

11. P.W.8 Duraisamy, the then Sub-Inspector of Police, has deposed that based on the complaint given by P.W.1 Divya, a case was registered in Crime No. 284 of 2018, and he took up investigation, visited the scene of occurrence, prepared observation mahazar and rough sketch, seized the material objects, examined witnesses, and after completion of investigation, filed the final report before this Court.

12. After completion of prosecution evidence, the accused were questioned under Section 313 Cr.P.C. with regard to the incriminating circumstances appearing against them. The accused denied the same as false and did not choose to examine any witnesses on their side.

13. The points that arise for determination in this case are whether on 08.07.2018 at about 10.30 a.m., near Indian Oil Petrol Bunk, the accused persons abused P.W.1 Divya in filthy language, voluntarily caused hurt to her with a beer bottle and wooden stick, whether the first accused Govindasamy committed

voyeurism by watching her while bathing, and whether the accused persons criminally intimidated P.W.1 Divya and P.W.2 Palanisamy and thereby committed offences punishable under Sections 294(b), 323, 324, 354(c) and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act.

### **DISCUSSION & FINDINGS**

14. This Court has carefully considered the entire evidence on record and the submissions made on either side. At the outset, it is to be noted that the case of the prosecution rests mainly upon the oral testimony of P.W.1 Divya, the injured witness, and P.W.2 Palanisamy, her husband.

15. P.W.1 Divya has deposed that on 08.07.2018, while she was bathing, the first accused Govindasamy peeped at her and thereafter, upon being questioned, both the accused persons abused and assaulted her with a beer bottle and a stick. P.W.2 Palanisamy has also spoken in line with P.W.1 Divya and has stated that on being informed by his wife, he questioned the accused, which led to the occurrence.

16. There is no dispute with regard to the fact that an occurrence had taken place on the said date and that P.W.1 Divya sustained injuries. The evidence of P.W.7 Dr. Balamurugan also establishes that P.W.1 had sustained a lacerated injury on her head and certain other injuries. Thus, the occurrence of a quarrel and resultant injuries to P.W.1 stands established.

17. However, the crucial question that arises for consideration is whether the prosecution has proved the manner of occurrence as alleged and the involvement of the accused beyond reasonable doubt.

18. Though P.W.1 Divya is an injured witness and her testimony ordinarily carries great weight, her evidence cannot be accepted in a mechanical manner without careful scrutiny, especially when there are circumstances indicating prior enmity between the parties. In the present case, it has come on record through the cross-examination of P.W.1 Divya and P.W.2 Palanisamy that both parties were running hotels in close proximity and there existed disputes between them. The evidence of P.W.3 Rangasamy also indicates that there was a quarrel between both sides.

19. Further, the evidence on record also creates serious doubt regarding the very possibility of the alleged act of voyeurism. From the cross-examination of the witnesses and the evidence of the Investigating Officer P.W.8 Duraisamy, it has come to light that the bathroom in question was enclosed with walls and fitted with a door extending up to the roof level without any substantial opening. In such circumstances, the possibility of any person peeping into the bathroom, as alleged by P.W.1 Divya, becomes highly doubtful.

20. When the physical features of the place of occurrence itself do not support the prosecution version, the allegation of voyeurism under Section 354(c) IPC cannot be accepted on the sole testimony of interested witnesses, especially in the absence of any independent corroboration

21. Thus, while the presence of P.W.1 Divya at the scene and the factum of injuries cannot be doubted, her version regarding the genesis and manner of occurrence requires cautious appreciation in the light of the admitted omissions and the existence of prior disputes between the parties.

22. In a case of this nature, where the prosecution primarily relies upon interested witnesses, the evidence of independent witnesses assumes great significance. In the present case, P.W.3 Rangasamy is projected as an independent witness to the occurrence.

23. A careful reading of the evidence of P.W.3 Rangasamy shows that he has not fully supported the prosecution version. He has only stated that there was a quarrel between the parties near the hotel and that one of the accused was holding a beer bottle and assault took place. However, he has not spoken about the alleged act of voyeurism by the first accused Govindasamy, which forms the very genesis of the prosecution case. He has also not clearly supported the sequence of events as narrated by P.W.1 Divya and P.W.2 Palanisamy.

24. On the contrary, the evidence of P.W.3 Rangasamy indicates that there was a general quarrel between both sides. This assumes significance in the light of the cross-examination of P.W.1 Divya and P.W.2 Palanisamy, wherein suggestions were put regarding prior disputes between the parties arising out of business rivalry and issues relating to drainage and functioning of the hotels.

25. Though P.W.1 Divya has denied such suggestions, the surrounding circumstances and the evidence of P.W.3 Rangasamy probalilise the existence of prior enmity between the parties. In such circumstances, it was incumbent upon the prosecution to place before the Court the complete and true genesis of the occurrence.

26. It is a well settled principle of criminal jurisprudence that where there is suppression of the genesis of the occurrence, the prosecution case becomes doubtful. In the present case, the prosecution has projected the occurrence as a unilateral attack arising out of an alleged act of voyeurism. However, the evidence on record, particularly that of P.W.3 Rangasamy, suggests that the incident was more in the nature of a mutual quarrel between two parties having prior disputes.

27. Further, the evidence of P.W.8 Duraisamy, the Investigating Officer, also does not clearly establish the exact sequence of events or the role played by each of the accused in the manner alleged by the prosecution. It is also seen that no independent witness from the locality or from among the workers present in the hotel has been examined to corroborate the version of P.W.1 Divya.

28. Thus, this Court finds that the prosecution has not come forward with the complete and true version of the occurrence and has suppressed the genesis of the incident. This creates a serious doubt regarding the manner in which the occurrence is alleged to have taken place.

29. It is also brought on record that a counter complaint had been given by the accused in respect of the very same occurrence, which was subsequently closed by

the police. The existence of such a counter complaint lends further support to the defence version that the occurrence was not a unilateral act as projected by the prosecution, but arose out of a dispute between both sides. The failure of the prosecution to place the details of the counter complaint and the manner in which it was disposed of also creates doubt regarding the fairness of the investigation. This circumstance further strengthens the inference that the genesis of the occurrence has not been fully and truthfully placed before this Court.

30. P.W.7 Dr. Balamurugan has deposed that on 08.07.2018 at about 11.30 a.m., P.W.1 Divya was brought to the Government Hospital with a lacerated injury on her head measuring about 4 cm in length and other injuries. He has opined that the injuries are simple in nature. Thus, the medical evidence establishes that P.W.1 Divya had sustained injuries.

31. However, the medical evidence does not fully support the specific manner of assault as alleged by the prosecution. In his cross-examination, P.W.7 Dr. Balamurugan has admitted that he has not given any specific opinion as to the weapon by which the injuries were caused. He has further admitted that such injuries could also occur if a person falls on a sharp object. Thus, the medical evidence does not conclusively establish that the injuries were caused by a beer bottle or wooden stick as alleged by the prosecution.

32. This assumes significance, particularly when the prosecution case rests upon the allegation that the accused attacked P.W.1 Divya with specific weapons.

When the medical evidence does not corroborate the use of such weapons, the prosecution version becomes doubtful.

33. In the light of the foregoing discussion, this Court finds that though the prosecution has established that P.W.1 Divya had sustained injuries in an occurrence on 08.07.2018, it has failed to prove beyond reasonable doubt that the accused persons are responsible for the same in the manner alleged.

34. The evidence of P.W.1 Divya and P.W.2 Palanisamy, who are interested witnesses, suffers from material omissions and improvements touching upon the genesis and manner of occurrence. The evidence of P.W.3 Rangasamy, an independent witness, does not fully support the prosecution case and instead indicates that there was a quarrel between both parties.

35. Further, the existence of a counter complaint given by the accused, which has been closed by the police, probabalises the defence version that the occurrence arose out of a mutual dispute. The prosecution has failed to place the true genesis of the occurrence before this Court.

36. The allegation of voyeurism under Section 354(c) IPC is rendered highly doubtful in view of the evidence regarding the structural features of the bathroom, which makes the possibility of peeping into the bathroom highly improbable.

37. The medical evidence does not conclusively support the use of specific weapons as alleged by the prosecution and the mahazar witnesses have not lent reliable support to the case. The investigation also suffers from material lapses,

including failure to examine independent witnesses and non-explanation of the counter complaint.

38. In a criminal case, the burden is always on the prosecution to prove its case beyond reasonable doubt. When serious doubts arise regarding the genesis of the occurrence, the manner of assault, and the involvement of the accused, the accused are entitled to the benefit of doubt.

39. Applying the above principles, this Court is of the considered view that the prosecution has failed to prove the charges against the accused beyond reasonable doubt.

In the result, the accused are found not guilty of the offences punishable under Sections 294(b), 323, 324, 354(c) and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act and they are acquitted under Section 248(1) Cr.P.C.

The case properties in P.R.No.156 of 2020, being weapons, is ordered to be destroyed after appeal time.

Directly typed by me in my official laptop and pronounced by me in open court on this 30<sup>th</sup> day of March 2026.

Sd/-Thiru.B.Dharaneether B.A.,L.L.M.,  
**District Munsif Cum Judicial Magistrate,**  
**Uthukuli.**

**APPENDIX****List of Prosecution Witnesses:**

<b>S.No.</b>	<b>Date of Examination</b>	<b>Witness Name</b>	<b>Category of witness</b>
PW1	14.02.2020	Tmt.Divya	De-facto Complainant
PW2	14.02.2020	Tr.Palanisamy	Eye witness
PW3	14.02.2020	Tr.Rangasamy	Eye witness
PW4	14.02.2020	Tr. Periyasamy @ Kannukutty	Eye witness
PW5	14.02.2020	Tr.Palanisamy	Observation & Seizure mahazar witness
PW6	14.02.2020	Tr.Vellingiri	Observation & Seizure mahazar witness
PW7	22.12.2020	Tr. Mohanraj	Medical witness
PW8	24.09.2025	Tr. Duraisamy	Investigation Officer

**List of Prosecution Exhibits:**

<b>Ex.No.</b>	<b>Marked Through</b>	<b>Particulars of documents</b>
Ex.P1	PW1	Complaint
Ex.P2	PW5	Signature of PW5 in Observation Mahazar
Ex.P3	PW5	Seizure mahazar
Ex.P4	PW6	Signature of PW6 in Observation Mahazar
Ex.P5	PW6	Signature of PW6 in Seizure Mahazar
Ex.P6	PW7	AR cum Wound Certificate
Ex.P7	PW8	FIR
Ex.P8	PW8	Observation mahazar
Ex.P9	PW8	Rough sketch
Ex.P10	PW8	Form 91

**Witnesses examined for defence – Nil****Exhibits marked for defence - Nil**

**Material Objects marked – Nil**

Sd/-Thiru.B.Dharaneether B.A.,L.L.M.,  
**District Munsif Cum Judicial Magistrate,**  
**Uthukuli.**

**NOTE :**

- 1) Accused acquitted
- 2) Result of this case informed to the concerned department.
- 3) Date of Judgment : 30.03.2026
- 4) Date of uploading : 30.03.2026

**Copy submitted to**

The Hon'ble Chief Judicial Magistrate, Tiruppur.