

IN THE COURT OF JUDICIAL MAGISTRATE NO.1, SRIVAIKUNTAM

Present : Thiru. B.Dharaneether. B. A., L L M.,
Judicial Magistrate No.1,
Srivaikuntam.

Dated : Friday, the 24th day of July 2026

C.C.No.211 of 2017

(CNR No. TNTT090012572017)

State represented by
The Sub-Inspector of Police,
Kurumbur Police Station,
Crime No.40 of 2017.

... Complainant

Versus

Tr.Venkalavan,
S/o. Thangavel

... Accused

This case having come up for final hearing before this Court in the presence of Ms.M.Seyadali Fathima B.A.,B.L.,M.L., the learned Assistant Public Prosecutor Grade II appearing for the State and advocate Tr.K.Ganesan appearing for accused and upon perusing the records and connected materials and having stood over for consideration till date, this Court delivers the following:

JUDGMENT

The Sub-Inspector of Police, Kurumbur Police Station, laid the final report against the accused alleging commission of the offences punishable under Sections 294(b), 323 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution, in brief, is that P.W.1 Mala is the wife of the deceased elder brother of the accused and that there was a dispute between them regarding family property. On 17.03.2017 at about 6.30 p.m., when P.W.1 and her daughter P.W.2 Theivarani were standing in front of their house, the accused allegedly abused them in obscene language, assaulted them with his hands and legs and threatened to kill them with an aruval. It is further alleged that the accused humiliated and harassed them in a public place.

3. On receipt of the complaint, a case was registered in Crime No.40 of 2017. The investigating officer inspected the place of occurrence, prepared the observation mahazar and rough sketch, examined the witnesses, obtained the wound certificate and, after completing the investigation, filed the final report against the accused.

4. Upon appearance of the accused, copies of the documents relied upon by the prosecution were furnished to him under Section 207 Cr.P.C. The substance of accusation for the offences punishable under Sections 294(b), 323 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act was explained to the accused. He denied the accusation and claimed to be tried.

5. In order to prove its case, the prosecution examined three witnesses as P.Ws.1 to 3 and marked six documents as Exs.P1 to P6. No material object was marked.

6. After completion of the prosecution evidence, the incriminating circumstances appearing against the accused were put to him under Section 313(1)(b) Cr.P.C. The accused denied the same as false. No witness was examined and no document was marked on the side of the accused.

Point for determination

7. The following point arises for determination:

Whether the prosecution has proved beyond reasonable doubt that the accused abused, assaulted, criminally intimidated and harassed P.Ws.1 and 2, thereby committing the offences punishable under Sections 294(b), 323 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act?

Evidence of the prosecution witnesses

8. P.W.1 Mala is the defacto complainant. She stated that the accused is her brother-in-law and that she had lodged the complaint against him on suspicion. She further stated that the dispute had been settled and that she did not want any action against the accused. She admitted only her signature in the complaint, which was marked as Ex.P1. P.W.1 was treated as hostile. During cross-examination by the prosecution, it was suggested that the accused abused her, slapped her, assaulted P.W.2 and issued a death threat. P.W.1 denied the suggestion and did not support the prosecution case.

09. P.W.2 Theivarani is the daughter of P.W.1. She stated that the accused is her paternal uncle and that there was no dispute between them at present. She requested that no action be taken against the accused. She was treated as hostile and denied the prosecution suggestion that the accused assaulted and threatened her and P.W.1.

10. P.W.3 Mammathu is a formal police witness. He spoke on the basis of the records regarding registration of the FIR, preparation of the observation mahazar and rough sketch, examination of witnesses, obtaining of the wound certificate and filing of the final report. He was not an eyewitness to the occurrence.

Discussion

11. The prosecution case mainly depends upon the evidence of P.Ws.1 and 2, who are alleged to be the victims of the occurrence. However, neither of them has supported the prosecution.

12. P.W.1 has admitted only her signature in the complaint and has not proved its contents. She has specifically stated that she lodged the complaint on suspicion and that she does not want any action against the accused.

13. P.W.2 has also not stated that the accused abused, assaulted or threatened her or P.W.1. The suggestions put to P.Ws.1 and 2 by the prosecution were denied by them. Such denied suggestions cannot be treated as substantive evidence.

14. As regards Section 294(b) IPC, no witness has stated the particular obscene words allegedly uttered by the accused or that such words caused annoyance to any person.

15. As regards Section 323 IPC, there is no substantive evidence that the accused assaulted P.W.1 or P.W.2. The wound certificate, even if accepted, can establish only the existence of an injury and cannot establish that the accused caused it, particularly when the alleged injured witnesses themselves have not supported the prosecution.

16. As regards Section 506(ii) IPC, neither P.W.1 nor P.W.2 has stated that the accused threatened them with death or that the alleged threat caused alarm to them.

17. To establish an offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, the prosecution must prove that the accused committed an act amounting to harassment of a woman. In the present case, the alleged victims themselves have not spoken about any act of harassment committed by the accused.

18. The evidence of P.W.3 is only formal in nature. The FIR, complaint, observation mahazar, rough sketch and wound certificate cannot substitute the absence of substantive evidence from P.Ws.1 and 2.

19. The prosecution has therefore failed to prove the charges against the accused beyond reasonable doubt. The accused is entitled to the benefit of

doubt. Accordingly, the point for determination is answered against the prosecution and in favour of the accused.

Result

In the result, the accused Venkalavan is found not guilty of the offences punishable under Sections 294(b), 323 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and is acquitted under Section 248(1) Cr.P.C.

The bail bond, if any, executed by the accused shall stand cancelled. However, the accused shall execute a bond for a sum of Rs.10,000/- under Section 437-A Cr.P.C. to appear before the appellate Court, if so required, and the said bond shall remain in force for a period of six months.

There is no material object in this case requiring an order of disposal.

Directly typed and pronounced by me in the open Court on this the 24th day of July 2026.

**Judicial Magistrate No.I,
Srivaikuntam**

APPENDIX

Prosecution witnesses

Witness	Name	Nature of witness
P.W.1	Mala	Defacto complainant
P.W.2	Theivarani	Eyewitness
P.W.3	Mammathu	Police witness

Prosecution exhibits

Exhibit	Marked through	Description
Ex.P1	P.W.1	Signature of P.W.1 in the complaint
Ex.P2	P.W.3	Complaint
Ex.P3	P.W.3	FIR
Ex.P4	P.W.3	Observation Mahazar
Ex.P5	P.W.3	Rough Sketch
Ex.P6	P.W.3	Wound Certificate

Defence witnesses

Nil

Defence exhibits

Nil

Material objects

Nil

**Judicial Magistrate No.I,
Srivaikuntam**

Note

1. Accused acquitted.
2. Result of the case informed to the concerned police.
3. No material object is available for disposal.
4. Date of judgment 24.07.2026
5. Date of uploading 24.07.2026

Copy submitted to

The Hon'ble Chief Judicial Magistrate, Thoothukudi

