

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.22649 of 2015

and

M.P.No.1 of 2015

R.Udahayakumar

... Petitioner

Vs.,

The State,
rep. by Deputy Superintendent of Police,
All Women Police Station, Dharapuram,
Crime No.4 of 2014.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records of the case pending trial in Spl.S.C.No.29 of 2014 on the file of the learned Principal District and Sessions Judge (Special Court for P.C.R cases) at Tiruppur and to quash the same as against the petitioners.

For Petitioner : Mr.Kingsly Soloman
For Respondent : Mr.C.Emalias, APP

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ORDER

This criminal original petition has been filed seeking to quash the criminal proceedings in Spl.S.C.No.29 of 2014 pending on the file of the learned Principal District and Sessions Judge (Special Court for P.C.R cases) at Tiruppur as against the petitioner herein.

2.The case of the prosecution is that the defacto-complainant Kaleeswari belongs to Schedule Caste community and the petitioner herein belongs to Most Backward Community. By giving false promise to marry to the defacto-complainant, the petitioner had sexual intercourse with the defacto-complainant on several occasions. But, subsequently, the petitioner went to his native place in Andhrapradesh and when the defacto-complainant contacted him over phone, he avoided the defacto-complainant. When the defacto-complainant informed the petitioner that she would come to his house along with her family members, the petitioner scolded the defacto-complainant

in filthy language, by mentioning her caste name. Hence, she lodged a complaint with the respondent-police, which was registered in Crime No.4 of 2014 under Sections 417, 506(ii) IPC & Section 3(1)(w)(i), 2(2)(Va) of SC/ST Prevention of Atrocities Amendment, Ordinance 2014. On completion of investigation, charge-sheet was also filed before the learned Principal District and Sessions Judge (Special Court for P.C.R cases) at Tiruppur, which has been taken on file in Spl.S.C.No.29 of 2014. Now, the petitioner has come forward with the present petition seeking to quash the said criminal proceedings.

3. Heard the submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the materials available on record.

4. It is the main ground raised by the learned counsel for the petitioner that the respondent-Police failed to consider the fact that the provisions under Sections 3(1)(w)(i) & 2(2)(Va) of SC/ST Prevention of Atrocities Amendment, Ordinance 2014, were not in operation on 21.07.2014, on which date the charge-sheet was filed. In this regard, the learned counsel for the petitioner has also invited the attention of this court to the communication received by him under RTI Act in No.11011/56/2014-PCR (Desk) Government of India, Ministry of Social Justice and Empowerment, dated 20.10.2014 and submitted that the petitioner cannot be charged under Sections 3(1)(w)(i) & 2(2)(Va) of SC/ST Prevention of Atrocities Amendment, Ordinance 2014. Thus, the learned counsel for the petitioner submitted that since chargesheet has been filed under the said sections also, the charge-sheet is liable to be quashed.

5. But, in my considered opinion, the said submission made by the learned counsel for the petitioner cannot serve as a ground to quash the proceedings, because the charge-sheet has been laid in respect of other offences also. That apart, the other submissions made by the learned counsel for the petitioner based on the factual aspects are purely matter of evidence and as such, the other submissions made on the factual aspects also cannot serve as a ground to quash the chargesheet. I do not find any merit in the present petition and the same is liable to be dismissed.

In fine, the criminal original petition fails and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

ssv

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Principal District and Sessions Judge
(Special Court for P.C.R cases) at Tiruppur.

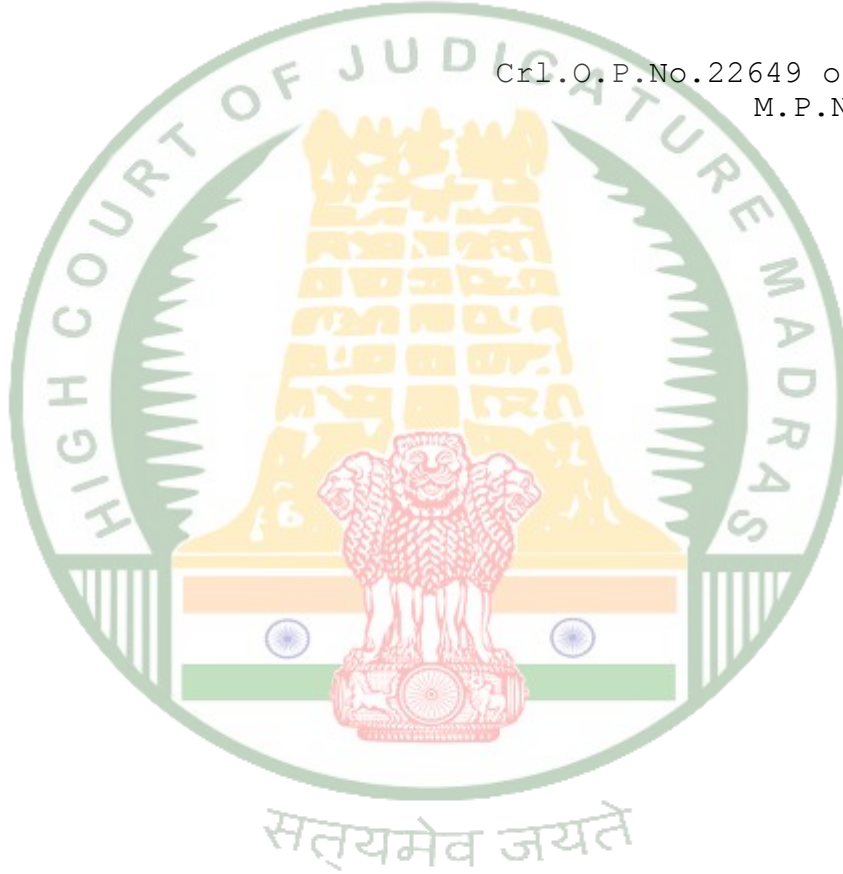
2. The Deputy Superintendent of Police,
All Women Police Station, Dharapuram,
(Crime No.4 of 2014).

3. The Public Prosecutor,
Madras High Court, Madras.

+1 cc to M/s.Corner Stone Asso., Advocate,SR.61376 (18/5/16)

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