

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 13.06.2016

PRONOUNCED ON: 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl. O.P. No.10143 of 2016

and

Crl.M.P.Nos.5408 and 5409 of 2016

1.Suresh @ Sureshbabu
2.Palani
3.Kannan

.. Petitioners

Versus

1. State rep.by
The Deputy Superintendent of Police,
Vandalur Sub-Division,
Kancheepuram District.

2. R.Baskar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the charge sheet filed in Spl.S.C.No.15 of 2016 on the file of the District and Sessions Court, Chengalpet.

For Petitioners : Mr.K.Gandhi Kumar

For Respondent No.1 : Mr.C.Emalias

Additional Public Prosecutor

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सत्यमेव जयते
O R D E R

This petition has been filed to quash the proceedings in Spl.S.C.No.15 of 2016 on the file of the District and Sessions Court, Chengalpet.

2.Heard the learned counsel for the petitioners; learned Additional Public Prosecutor for the first respondent and perused the materials placed on record.

3.On a complaint given by one Baskar, the respondent police registered a case in Crime No.428 of 2015 under Sections 294[b], 323, 324, 506[ii] IPC and Section 3[1][x] of SC/ST [Prevention of Atrocities] Act, 1989 against [i] Babu [A-1];

[ii] Suresh [A-2]; [iii] Palani [A-3] and [iv] Kannan [A-4] and after completing the investigation filed a Final Report for the aforesaid offences and the same is pending in Spl.S.C.No.15 of 2016 before the Principal District and Sessions Court, Chengalpet, challenging which, A-2 to A-4 are before this Court on the short ground that the provisions of SC/ST [Prevention of Atrocities] Act, 1989 cannot be attracted as against the petitioners / A-2 to A-4 herein. In the Final Report, it is stated as follows:

"The said Baskar is having a own lorry and supplying sand. A lorry belongs to Bakiyam construction at T.Nagar, Chennai was available for sale. The said Baskar offered to pay Rs.13 lakhs. A1 offered to pay Rs.14,50,000/- for the same lorry and told Baskar that he will buy the lorry. The said Baskar told him to purchase as he was not ready to buy Rs.14,50,000/- Ironically somebody other than Baskar and A1 purchased the lorry for Rs.16,00,000/-. A1 was under a misconception that Baskar is the reason behind the same and asked him to come to lorry mechanic shop of Thirumalai in Singaperumal kovil.

On 18.05.2015 at about 18.00 hours, the said Baskar and Bharathi went to the lorry mechanic shop of Thirumalai in Singaperumal Kovil. During the talk, A1 abused Baskar using filthy language in the public place and caused breach of peace. A1 with such intention and knowledge attacked Baskar on his head, face and left eyebrow and caused grievous injury on the eyebrow. A2 and A3 attack the said Baskar with fist on his face and caused injury. A4 attacked Baskar with iron rod on his thigh and caused injury. A1 to A4 with iron rod and hand attacked Bharathi, the brother of Baskar who came to rescue Baskar and caused simple injury. Hence A1 have committed offences punishable u/s.294(b) and 326(Two Counts) IPC. A2 and A3 have committed offence punishable u/s.323 IPC. A4 have committed offence punishable u/s.324 IPC. A2 to A4 have committed offence punishable u/s.326 IPC. A1 to A4 criminally intimidated the said Baskar and Bharathi with dire consequences. Hence A1 to A4 have committed offence punishable u/s.506(ii) IPC.

In the course of the same transaction on the same day, hour at the place. A1 to A4 who belong to caste Hindus and not being members of scheduled caste or scheduled tribe intentionally insulted with intent to humiliate Baskar and Bharathi who belongs to Adi Dravida community. The said Baskar and Bharathi belongs to scheduled caste and A1 to A4 insulted him

by caste in public place and hence A1 to A4 committed offence punishable u/s.3(1)(X) of SC/ST (POA) Act 1989 (Two Counts)."

4.This Court carefully perused the complaint given by the de facto complainant wherein he has made allegations only against Babu / A-1. There is no material against the petitioners / A-2 to A-4 to show that they had committed the alleged IPC offences on the ground that the de facto complainant belongs to SC/ST community. The dispute between the de facto complainant and Babu / [A-1] is with regard to purchase of a lorry, which Babu / A-1 wanted to buy and the de facto complainant appears to have bagged the deal. Therefore, the alleged assault by the petitioners / A-2 to A-4 on the de facto complainant is not on the ground that the de facto complainant belongs to SC/ST community.

5.Hence, in my considered opinion, no charges can be framed against the petitioners / A-2 to A-4 for offences under the SC / ST [POA] Act, 1989 and there are prima facie materials against the petitioners / A-2 to A-4 for IPC offences only. Therefore, the trial Court is directed not to frame charges under the SC / ST [POA] Act, 1989 against the petitioners herein.

6.With the above observations, this petition is closed. Consequently, connected Miscellaneous Petitions are closed.
sri/cad

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District and Sessions Judge,
Chengalpet.
2. State rep.by
The Deputy Superintendent of Police,
Vandalur Sub-Division,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K.Gandhikumar, Advocate SR 31693

svi(co)
prk 24/6

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