



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:14.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.11050 of 2017

and

CRL.M.P. (MD) No.7550 of 2017

C.Suman ... Petitioner / Accused No.1
-Vs-

1. State represented by
The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.
(Crime No.98 of 2017) ... Respondent / Complainant

2. Senthurapandi ... Respondent / Defacto
Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to FIR in Crime No.98 of 2017 dated 07.08.2017 on the file of the Inspector of Police, Thermal Nagar Police Station, Thoothukudi District and quash the same as against the petitioner/accused.

For Petitioner : Mr.KA.Ramakrishnan

For Respondent 1 : Mr.A.Ramar,
Additional Public Prosecutor

O R D E R

This petition is filed for quashing the FIR in Crime No.98 of 2017 pending on the file of the first respondent. It is stated that the complaint was lodged by the second respondent as against the petitioner and others, for the offences under Sections 294(b), 323, 324 of I.P.C. and Sections 3(1)(r), 3(1)(s), 3(2) (vii) Scheduled Castes and the Scheduled Tribes Act 1989.

2.The learned counsel for the petitioner submits that the petitioner is also belonging to Scheduled Caste community and that therefore the complaint under the provision of Special Act namely the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 is not sustainable.

3.The learned Additional Public Prosecutor has admitted the fact that the petitioner is belonging to the Scheduled Caste community and therefore the learned Additional Public Prosecutor has also conceded the position that as against the petitioner no offence under the Special Act namely the Scheduled Castes and the



Scheduled Tribes (Prevention of Atrocities) Act 1989 is made out. Considering the facts and circumstances and other offences are made out from the complaint, this Court is inclined to pass the following order.

4. The First Information Report in Crime No.98 of 2017, dated 07.08.2017, pending on the file of the first respondent is quashed so far as the complaint in relation to the alleged offences under sections 3(1)(r), 3(1)(s), 3(2) (vii) Scheduled Castes and the Scheduled Tribes Act 1989. It is stated that the complaint was earlier referred to the District Superintendent of Police, who is the competent authority to hold enquiry under the Special Enactment. In view of the fact that the First Information Report is quashed so far as the offences attracting the provisions of Special Enactment further investigation shall be conducted by the first respondent for other offences. Therefore this court direct the District Superintendent of Police to hand over the case file in Crime No.98/2017 to the first respondent for further investigation. The first respondent is also directed to complete the investigation and file a final report in respect of other offences within a period of 3 months from the date of receipt of the case files from the District Superintendent of Police.

5. In the result, this Criminal Original Petition is allowed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The District Superintendent of Police,
Thoothukudi District.

+1cc to Mr.KA.Ramakrishnan, Advocate SR.No.87312
GSP/TM
VB/SKN/RSK/SAR4/24/11/2017/2P/5C

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