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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL.OP.(MD) No.13553 of 2017

and

Cr1.M.P.(MD)Nos.9109 and 9110 of 2017

Ganesan @ Caption Ganesan ... Petitioner / Sole Accused

Vs.

1.The Assistant Commissioner of Police,
Palayamkottai Sub Division,
(Law and Order),
Tirunelveli.

2.The Inspector of Police,
(Law and Order),
Palayamkottai Police Station,
Tirunelveli District.... 1st and 2nd Respondents / Respondents

3.Chandra ... 3rd Respondent / De-factcomplainant

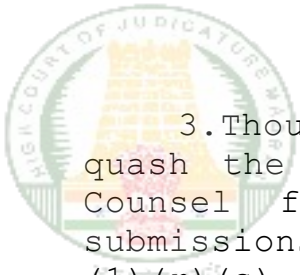
PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in S.C.No.55 of 2017 on the file of the Additional District Judge-II (PCR Court), Tirunelveli against Crime No.1156 of 2016 pending on the file of the respondents 1 and 2 instituted against the petitioner / sole accused and quash the same.

For Petitioner	: Mr.N.Madhava Govindan
For R1 and R2	:Mr.K.S.Durai Pandian
	Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to call for the records relating to the proceedings in S.C.No.55 of 2017 on the file of the Additional District Judge-II (PCR Court), Tirunelveli against Crime No.1156 of 2016 pending on the file of the respondents 1 and 2 instituted against the petitioner / sole accused and quash the same.

2.Heard, the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first and second respondents.



3. Though the petitioner has come forward with the prayer to quash the entire proceedings in S.C.No.55 of 2017, the learned Counsel for the petitioner has confined his arguments and submissions insofar as the charge sheet in relation to Sections 3(1)(r)(s), 3(2)(va) and 3(1)(w)(1) of SC/ST (POA), Amendment Act, 2015 is concerned. Except stating that the de-facto complainant belongs to Scheduled Caste Community, absolutely no allegations are made in the complaint, attracting any of the provisions of SC/ST (POA), Amendment Act, 2015.

4. It is to be noted that even in the statement that was obtained under Section 161(3) from the witnesses, absolutely there is no information of any cognizable offences under any of the provisions of SC/ST (POA), Amendment Act, 2015. Even, the Sub-Inspector of Police, in his statement, has stated that the criminal complaint registered in Crime No.1156 of 2014 is only for the offences under Sections 342, 294(b) and 506(ii) IPC and Sections 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

5. The learned Additional Public Prosecutor, on instructions, submitted that the matter was posted for framing charges and that therefore the petitioner may be directed to raise all his contentions before the Trial Court. When this Court is able to see that the complaint does not disclose any offences under the provisions of SC/ST (POA), Amendment Act, 2015, this Court is inclined to quash the charge sheet insofar as the alleged offences under Sections 3(1)(r)(s), 3(2)(va) and 3(1)(w)(1) of SC/ST (POA), Amendment Act, 2015, are concerned.

6. In view of the above, the Criminal Original Petition is partly allowed and the Charge Sheet in S.C.No.55 of 2017 pending on the file of the learned Additional District Judge-II (PCR Court), Tirunelveli, is quashed insofar as the alleged offences under Sections 3(1)(r)(s), 3(2)(va) and 3(1)(w)(1) of SC/ST (POA), Amendment Act, 2015, are concerned. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Commissioner of Police,
Palayamkottai Sub Division,
(Law and Order),
Tirunelveli.

<https://hccourtserviceofpolice.com/>

2. The Inspector of Police,
(Law and Order),
Palayamkottai Police Station, Tirunelveli District.



3.The Additional District Judge-II (PCR Court),
Tirunelveli.

+1cc to M/S.N.MADHAVA GOVINDAN, Advocate SR.No.84727

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MAS/SKN-RSK/SAR1:07.11.2017:3P-5C

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