



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.06.2017
CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

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Crl.O.P.(MD) No.7228 of 2017
and Crl.M.P.No.4947 of 2017

Duraisamy ... Petitioner/Accused

-vs-

1. The State rep. its
Inspector of Police,
Vedasandur Police Station,
Dindigul District. ... 1st Respondent/Complainant

2. Saravanan ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the proceedings in Crime No.111 of 2017 dated 06.04.2017 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.T.Antony Arul Raj
For Respondent -1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

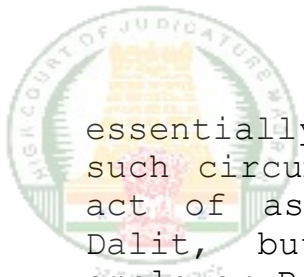
O R D E R

On a complaint lodged by Saravanan, the respondent police have registered a case in Crime No.111/2017 on 06.04.2017 under Sections 341, 324, 506(ii) IPC and Section 3(2)(5), 3(1)(r) and 3(1)(s) of the SC/ST Amendment Act against Duraisamy, challenging which, Duraisamy is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the 1st respondent.

3. On a reading of the FIR, it is alleged by Saravanan that he is working under one Rasappan and that Rasappan is not a Dalit. There are disputes between Rasappan and the family of the Petitioner/accused in connection with a public pathway. While so, it is alleged by Saravanan that on 06.04.2017, when he was in the said place, he was accompanied by the accused, who called him by his caste name and assaulted.

4. The learned counsel for the petitioner produced sufficient materials before this Court to show that Rasappan had encroached in the pathway and the family of the accused have been protesting the same from time to time. Therefore, the dispute is



essentially with regard to a land between two non dalits. Under such circumstances, even assuming for a moment that there was an act of assault, the assault was not because of Saravanan was Dalit, but because of the land dispute between Saravanan's employer Rasappan and the family of the petitioner.

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5. There appears to be some force in the submission of the learned counsel for the petitioner. However, it is too premature for this Court to give a finding on this aspect, when investigation is at a very early stage. It is also brought to the notice of this Court that on the complaint of Rasappan, in respect of an incident that is said to have taken place on 28.01.2017, the Police registered a case in Crime No.117/2017, against Duraisamy on 11.04.2017 for offences under Sections 341, 427, 294(b) and 506 (i) IPC. All these clearly show that there was previous motive between Rasappan and the family of the accused and there is no previous motive as against Saravanan, who is only an employee of Rasappan.

6. Therefore, this Court directs the Deputy Superintendent of Police to thoroughly conduct an investigation into these aspects and if it is found that the attack on Saravanan was not because, he was a Dalit, it is needless to state that further proceedings against the accused in respect of SC/ST Act should be dropped and they can be charged only for causing hurt.

7. With the above observations and direction, this petition is closed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To:

1. The Deputy Superintendent of Police,
Vedasandur, Dindigul District
2. The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

RR

TE/JC/SAR-IV : 23/06/2017 : 2P/4C

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