

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM :

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.22610 of 2017

M.Sumakkili

.. Petitioner

Vs

1. The State, represented by
The Inspector of Police,
Mallur Police Station,
Salem District.

2. Raman

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records relating to the FIR in Crime No.751 of 2008 (wrongly mentioned in prayer as Crime No.75 of 2018), on the file of the Inspector of Police, Mallur Police Station, Salem District and to quash the same.

For Petitioner: Mr.C.Prabakaran

For R1 : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records relating to Crime No.751 of 2008, on the file of the 1st respondent police and to quash the same.

2. On the complaint lodged by one Raman, the 1st respondent police have registered a case in Crime No.751 of 2008 on 25.11.2008 under Sections 147 and 323 IPC and Section 3(1)(x) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, against the petitioner and others.

3. It is the case of Raman, the de facto complainant, that he was studying XI Std. in Government Higher Secondary School, Mallur and on 24.09.2008, Sumakkili, the petitioner herein, who was his classmate, abused him by referring to his caste. Admittedly, both Raman and Sumakkili were studying XI Std. and therefore, they were juveniles.

4. The 1st respondent police completed the investigation and filed a final report on 21.01.2013, before the Judicial Magistrate Court No. VI, Salem, against Sumakkili and others, for the offences under Sections 147 and 323 IPC. The trial Court rejected the final report on the ground that it was barred by limitation, since, the offence was committed on 24.09.2008, whereas, the final report was filed on 21.01.2013.

5. While so, Sumakkili completed his XII Std. and cleared the Grade-II Police Constables/Grade-II Jail Warders/Firemen Examination, 2012. At the time of police verification, the Station House Officer, Mallur Police Station has sent a report that the aforesaid case in Crime No.751 of 2008 is pending against Sumakkili. On account of the adverse report, Sumakkili was not selected as a Police Constable. Now, Sumakkili has once again cleared the Grade-II Police Constables/Grade-II Jail Warders/Firemen Examination, 2017 and is on the verge of being selected. Under such circumstances, Sumakkili is before this Court for quashing the prosecution in Crime No.751 of 2008.

6. Heard Mr.C.Prabakaran, the learned counsel for the petitioner and the learned Additional Public Prosecutor, appearing for the 1st respondent police.

7. Today, Mr.S.Kuzhandhaivel, Special Sub Inspector of Police, Mallur Police Station, Salem, is present before this Court.

8. On a perusal of the final report in Crime No.751 of 2008, it is seen that, the incident has taken place on 24.09.2008, when Sumakkili was a student of XI Std. i.e. a juvenile. However, the final report has been filed before the regular Court only on 21.01.2013, for the offences under Sections 147 and 323 IPC, for which, punishment is less than three years. Therefore, the trial Court has rejected the final report, by order dated 22.01.2013.

In such view of the matter, this petition is allowed and the prosecution against all the accused, including Sumakkili, in Crime No.751/2008 stands quashed.

sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/mkn

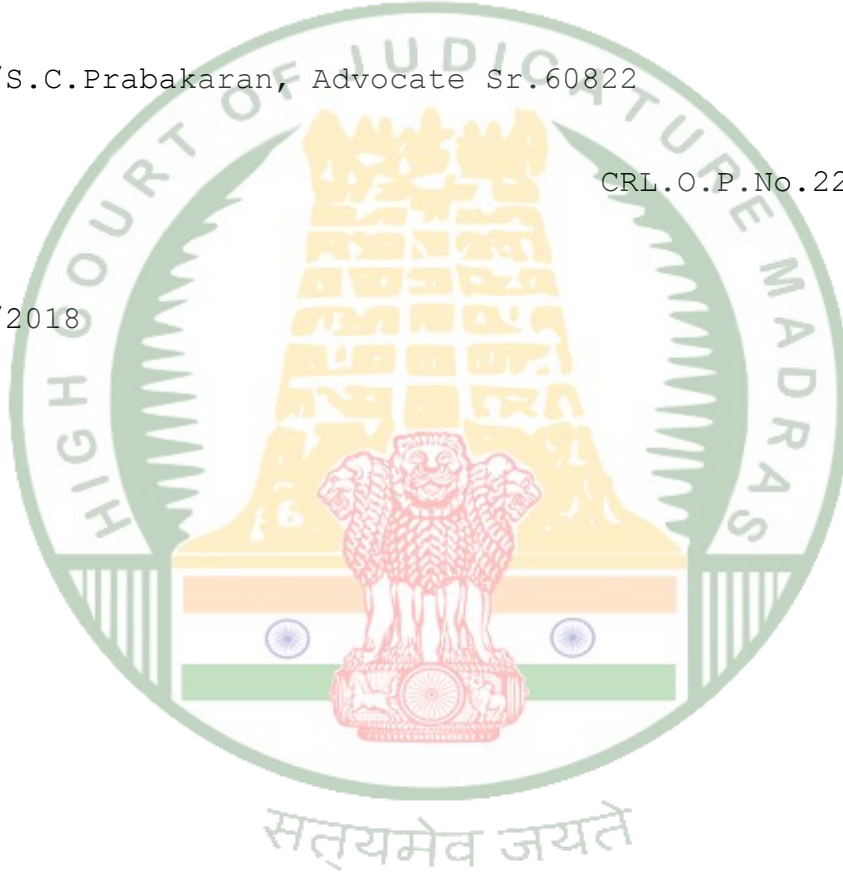
To

1. The Inspector of Police,
Mallur Police Station,
Salem District
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.C.Prabakaran, Advocate Sr.60822

CRL.O.P.No.22610 of 2017

srg 25/09/2018



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