



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.19054 of 2013
and
MP(MD)Nos.1 and 2 of 2013

R.Suriya

... Petitioner

Vs.

K.Kalaiarasan

... Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records and quash the proceedings in P.R.C.No.27 of 2013 on the file of the learned II ADM Cum Judicial Magistrate, Kumbakonam, Thanjavur District as against the petitioner.

For Petitioner : Mr.A.Thiruvadi Kumar

For Respondent : No appearance.

ORDER

The petitioner has filed this Criminal Original Petition for quashing the proceedings in P.R.C No.27 of 2013 on the file of the learned II Additional District Munsif Cum Judicial Magistrate, Kumbakonam, Thanjavur District.

2.The case of the complainant is that on 12.11.2012 he was assaulted by three persons and that he went to lodge a complaint to the petitioner herein. The petitioner did not take any action. The petitioner also abused the complainant by referring to his caste. Hence, the present complaint came to be lodged for the offences under Sections 294(b), 323, 324, 506(ii) 217 IPC and Section 3(1)(x) of SC/ST (PA) Act.

3.This Court before taking up the matter for hearing, suggested to the petitioner's counsel that the petitioner could reach out to the complainant who is now a practicing lawyer and express her apologies. The petitioner accordingly did so. But, the respondent was not inclined to accept the petitioner's apologies. Therefore, the petitioner has filed an affidavit before this Court stating that she never abused the complainant by referring to his caste and that

she had also tendered her apology. This is taken on record.

4.As rightly pointed out by the learned counsel for the petitioner, the petitioner was on bundobust duty during the relevant time. It is simply improbable that she could have been aware of the caste of the complainant. That apart, as rightly contended by the petitioner's counsel, in the complaint, it is not mentioned that the accused does not belong to Schedule Caste community. This omission in the complaint is fatal. Therefore, the impugned complaint deserves to be quashed. Accordingly, the proceedings in P.R.C No.27 of 2013 on the file of the learned II Additional District Munsif Cum Judicial Magistrate, Kumbakonam, Thanjavur District stand quashed. This petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The II Additional District Munsif cum
Cum Judicial Magistrate, Kumbakonam,
Thanjavur District.

SKM

DS SKN SAR3 06 12 2018 2P 2C

Cr1 OP(MD)No.19054 of 2013
and
MP(MD)Nos.1 and 2 of 2013
11.06.2018