



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.12103 of 2017

and

Crl.O.P. (MD) No.8362 of 2017

Annaperumayee

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Nilakkottai,
Dindigul District.

2. Ganesan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the returned order dated 31.07.2017 and to direct the Special District Sessions Court for SC/ST PA Act cases, Dindigul to number the petitioner's discharge petition in Spl.S.C.No.47 of 2017 and to dispose of the same only on merits.

For Petitioner : Mr.V.Rajiv Rufus

For R1 : Mr.M.Chandrasekaran,
Additional Public Prosecutor

For R2 : Mr.S.Sukumar

O R D E R

This petition has been filed against the order passed by the Court below returning the applications filed by the petitioner seeking for discharge from the case pending in Spl.S.C.No.47 of 2017.

2. Based on the complaint given by the second respondent, an F.I.R came to be registered by the first respondent in Crime No.56 of 2014 and a final report came to be filed before the Court below for offences under Sections 341, 324 and 506(i) of IPC and 3(1)(S) of SC /ST PA Act.



3. There are totally three accused persons shown in the final report and the petitioner has been added as A-3. He filed an application under Section 227 of Cr.P.C seeking for discharge on the ground that there are absolutely no materials before the Court below to frame charges against her. The grievance of the petitioner is that the petition was not even entertained and the same was returned on the ground of maintainability. Therefore, the present petition has been filed for a direction to the Court below to take the petition on file and dispose of the same in accordance with law.

4. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing on behalf of the first respondent and the learned counsel appearing for the second respondent.

5. Taking into consideration the facts and circumstances of the case, there will be a direction to the Court below to entertain the discharge petition filed by the petitioner and deal with the same in accordance with law and on merits and after affording sufficient opportunity to the respondent police and the second respondent.

6. This Criminal Original Petition is allowed and the court below is directed to pass final orders in the discharge petition within a period of four(04) weeks from the date of receipt of a copy of this order. Registry is directed to return back the original discharge petition to the learned counsel for the petitioner to enable her to represent the same before the Court below. The Registry shall retain a copy of the petition filed for official purpose. Consequently, Crl.O.P.(MD) No.8362 of 2017 is closed.

Sd/-

Assistant Registrar

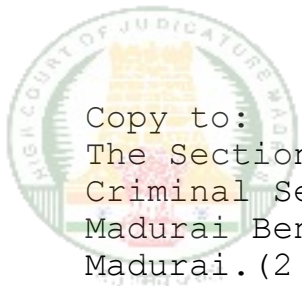
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Sub Assistant Registrar(CS)

sts

To

1. The Special District Sessions
Court for SC/ST PA Act cases,
Dindigul
2. The Deputy Superintendent of Police,
Nilakkottai,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



Copy to:
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

WEB COPY

+1 cc Mr.S.SUKUMAR ,Advocate, SR.No. 86768
+1 cc Mr.V.RAJIV RUFUS ,Advocate, SR.No. 86532

Order made in
Crl.O.P. (MD) .No.12103 of 2017

Dated:
12.09.2019

KK/SAR/03.10.2019/3P-8C/