



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

CRL.O.P(MD).No.14067 of 2017 and  
CrI.M.P(MD).No. 9431 of 2017

M. Manikandan

Petitioner/ Petitioner/ Petitioner

Vs.

1.Muthuraja

2.M.Saraswathi

3.M.Karthik

4.M.Dinakaran

Respondents/Respondents/Respondents

**Prayer :** This petition is filed under Section 482 Cr.P.C., to set aside the order in CrI.M.P.No.391 of 2017 passed by the learned Judicial Magistrate No.V, Madurai, dated 09.05.2017 and direct the trial Court to include the offences under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and proceed thereafter.

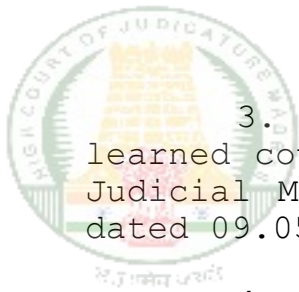
For Petitioner : Mr.M.Kannan

For Respondent : Mr.V.Nagendran

### **ORDER**

This petition has been filed challenging the order passed by the learned Judicial Magistrate No.V, Madurai taking cognizance of the private complaint filed by the petitioner for the offence under Sections 447, 294(b), 506(ii), 307, 442 r/w. Section 31(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The petitioner has specifically made allegations against the accused persons for the offence under Section 3(1)(s) of SC/ST Act.

2. The learned counsel appearing for the petitioner submitted that the private complaint itself was filed for the offences IPC as well as well as under the SC / ST Act. Therefore, the Court below ought not to have taken cognizance of the complaint and it should have been returned the complainant to enable the petitioner to file a private complaint before the designated Special Court to deal with offences under SC / ST Act.



3. In view of the specific stand that has been taken by the learned counsel for the petitioner, the order passed by the learned Judicial Magistrate No.V, Madurai made in Crl.M.P.No. 391 of 2017, dated 09.05.2017, is hereby set aside.

4. The learned Judicial Magistrate No. V, Madurai is directed to return the complaint to the petitioner and thereafter, the petitioner shall file the complaint before the Special Court dealing with the offences under the SC / ST Act, Madurai and the said Court shall deal with the complaint in accordance with Chapter 19 (Part B) of the Code of Criminal Procedure and proceed further in accordance with law.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

The Judicial Magistrate No.V, Madurai,

+1 CC to M/s.M.KANNAN, Advocate ( SR-86484[F] dated 13/09/2019 )

CRL.O.P(MD).No.14067 of 2017 and  
Crl.M.P(MD).No. 9431 of 2017  
12.09.2019

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