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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.17936 of 2017

and

Crl.M.P. (MD) No.11716 of 2017

Jayapal

... Petitioner/ De facto Complainant

Vs.

1) State rep by

The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.

2) State rep by

The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai,
Thanjavur District.
(Crime No.182/2012)

... Respondents/ Complainants

3) Appasamy

4) Govindasamy

5) Rajagopal

6) Saminathan

7) Saravanan

8) Subramanian

... Respondents/
Accused Nos.1 to 6

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the cognizance taken by learned Judicial Magistrate, Pattukkottai in S.T.C. No.854 of 2017 dated 06.06.2017 consequently directing the 1st and 2nd respondent police to reinvestigate the case in Crime No.182 of 2012.



For Petitioner : Mr.S.Deenadhayalan

For RR 1 & 2 : Mr.S.Chandrasekar,
Additional Public Prosecutor

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O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent police to re-investigate the case.

2. The petitioner is the *de facto* complainant. He gave a complaint to the respondent police on the ground that the accused persons trespassed into the property belonging to the petitioner and caused serious damage and when this was questioned, they abused the petitioner in filthy language and criminally intimidated him and also abused him using his caste name. An F.I.R. came to be registered in Crime No.182 of 2012 for offense under Sections 147 & 427 IPC and Section 3(1)(X) of SC/ST Act. After the completion of investigation, a final report came to be filed against six accused persons for offenses under Sections 147 & 427 IPC and the same was taken on file by the Court below in STC No.854/2017.

3. The learned counsel for the petitioner submitted that the respondent police did not conduct the investigation properly and the offence under Section 3(1)(X) of SC/ST Act was intentionally dropped in the final report even without putting the petitioner on notice. The learned counsel submitted that the case requires further investigation and some of the witnesses have not been examined in this case.

4. The learned Additional Public Prosecutor, on instructions submitted that, the respondent police had investigated the case properly and the respondent police did not find any ground to file the final report by including the offence under Section 3(1)(X) of SC/ST Act. The learned counsel submitted that there is absolutely no ground to order for any further investigation in this case.

5. This Court has carefully considered the submissions made on either side and perused materials placed before this Court.

6. On a careful perusal of the entire records, it is found that the final report has been filed against six accused persons for offenses under section Section 147 & 427 IPC. The offense of Section 3(1)(X) of SC/ST Act was not made out and the respondent police were not able to get any materials in order to make it a part of the final report.



7. This Court does not find any *prima facie* material to order for a further investigation in this case. The offence under Section SC/ST Act was dropped only on the ground that the respondent police did not find any ground to add the said offence, since even as per the petitioner, he was abused by using the caste name and this was not done in the public place.

8. In the result, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in STC No.854/2017 within a period of three(03) months from the date of receipt of a copy of this order. Consequently, connected Crl.M.P. (MD) No.11716 of 2017 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate,
Pattukottai
- 2) The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.
- 3) The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai,
Thanjavur District.
- 4) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.DEENADHAYALAN, Advocate(SR-89587[F] dated 26/09/2019)

Order made in

Crl.O.P. (MD) .No.17936 of 2017

25.09.2019

sts

VB(18.10.2019) 3P 6C