

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl OP.No.18072 of 2020

Selvaraj
S/o. Vengu

...Petitioner

Vs.

1. The Deputy Superintendent of Police
Maduranthakam
Kancheepuram District

2. Inspector of Police
Maduranthakam Police Station
Kancheepuram District.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.PC praying to alter the offences 147, 148, 294(b), 323, 324, 506(2) IPC and include Sections 3(1) (r) and (s) of SC/ST Prevention of Atrocity (Amended) Act in Crime No.1827/2020 and file a final report and may pass any other order or order as this Hon'ble Court may deem fit and proper.

For Petitioner : Mr. P.C. Thiyagu

For Respondents : Ms. M. Prabhavathi
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been laid by the petitioner for direction to the respondent to include the offence punishable under Sections 3(1) (r) and (s) of SC/ST Prevention of Atrocity (Amended) Act in Crime No.1827/2020 and file a final report.

2. Based on the complaint preferred by the petitioner dated 17.10.2020, it is noted that the case in Crime No. 1827/2020 has been registered by the respondent police punishable under Sections 147, 148, 294(b), 323, 324, 506(2) IPC.

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3. The grievance of the petitioner is that the offence under Sections 3(1) (r) and (s) of SC/ST Prevention of Atrocity (Amended) Act, has not been included and contended that inasmuch as the ingredient of the aforesaid offence has been made out in the complaint, the respondent is bound to include the said offence in addition to the other offences already registered by them.

4. However, on a reading of the complaint lodged by the petitioner dated 17.10.2020, it is seen that there is no whisper, as such, that the complainant's son had been abused by the accused hurling abuses by using caste remarks etc., and merely because the complainant is a member of the Scheduled Caste / Scheduled Tribe, when there is no averment in the complaint that the accused had, with an intention, humiliated the complainant's son on account of the complainant's son belonging to Scheduled Caste / Scheduled Tribe, the offence under Sections 3(1) (r) and (s) of SC/ST Prevention of Atrocity (Amended) Act, cannot be held to be made out.

5. In such view of the matter, the contention put forth by the petitioner that the respondent should be directed to include the offence under Sections 3(1) (r) and (s) of SC/ST Prevention of Atrocity (Amended) Act in the FIR, as such, cannot be countenanced.

6. When no material or ingredient is mentioned for invoking the offence under Sections 3(1) (r) and (s) of SC/ST Prevention of Atrocity (Amended) Act, the relief sought for by the petitioner cannot be entertained.

7. For the reasons aforesaid, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

bga

Copy to

1. The Deputy Superintendent of Police
Maduranthakam
Kancheepuram District.

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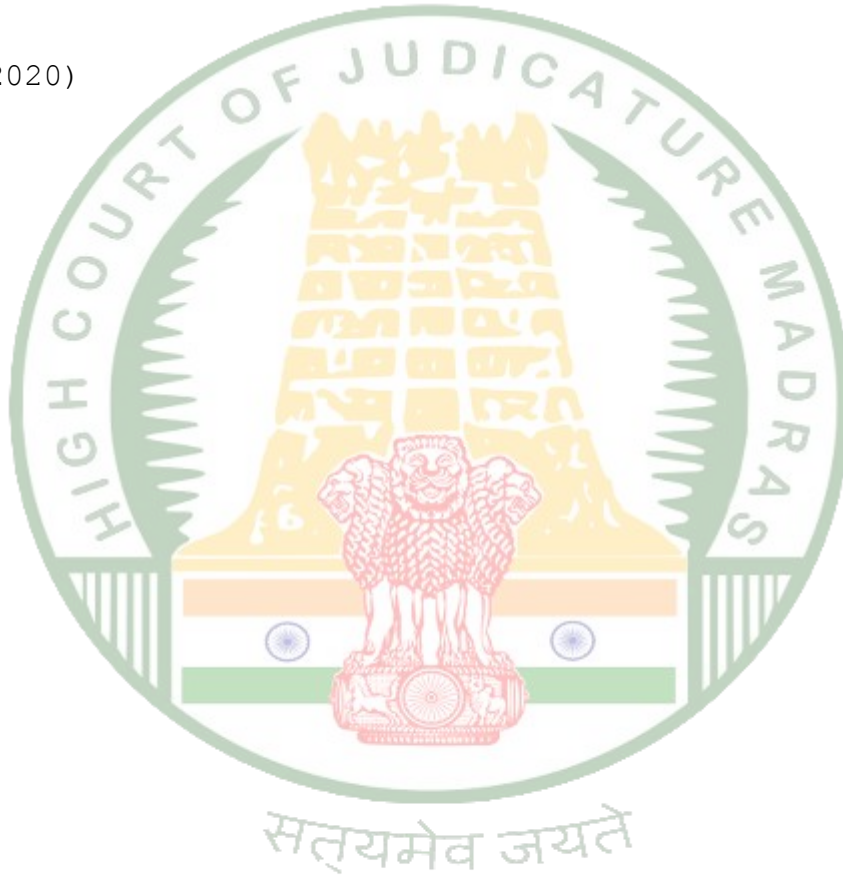
2. Inspector of Police
Maduranthakam Police Station
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.G.Thiyagu, Advocate SR.37202

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PVS (CO)
CB(14/12/2020)



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