



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1059 of 2019 and

CRL.M.P.(MD)Nos.451 & 452 of 2019

WEB COPY

Sangilimuthu

... Petitioner/1st Accused

Vs.

Janakiraman

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to S.C.No.31 of 2017 on the file of the Principal District Judge, Karur and quash the same as against the petitioner.

For Petitioner : Mr.Lakshmi Gopinathan,
for M/s.Polax Legal Solutions.

For Respondent : Mr.R.Murugappan

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O R D E R

This criminal original petition has been filed for quashing the proceedings in S.C.No.31 of 2017 on the file of the Principal District Judge, Karur.

2. It is a private complaint instituted by the respondents for the offences under Sections 294(b) and 506(i) I.P.C. r/w. 3 (1)(r) and (s) and 3(2)(rg) of the Scheduled Castes and Scheduled Tribes Act (Amendment Ordinance 2014).

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds and wanted this Court to quash the impugned proceedings.

4. Per contra the learned Government Advocate(Crl. Side) appearing for the respondent submitted that there is no merit in this criminal original petition.

5. I carefully considered the rival contentions.

6. The core argument of the petitioner's counsel is that the complaint given by the respondent herein was originally registered as First Information Report and later it was closed as Mistake of Fact. Thereafter, the respondent herein filed a private complaint before the Judicial Magistrate. The same was numbered and the learned Judicial Magistrate took cognizance of the offences and committed the proceedings to the file of the Sessions Court. This is according to the petitioner's counsel is erroneous.



According to him, the learned Judicial Magistrate will not have any jurisdiction to even take cognizance of the offences in question and that the case should have been straightaway instituted before the special Court.

7. As rightly pointed out by the learned counsel appearing for the respondent, during the relevant time in the Karur District, there was no special Court constituted under Section 2 (d) and Section 14 of the Scheduled Castes and Scheduled Tribes Act (Amended Ordinance 2014).

8. Hence, I do not find any wrong that the Judicial Magistrate entertained the complaint in question and committed the case to the file of the Sessions Court. In any event, these are not aspects that go to the root of the matter. It is for the petitioner to establish his innocence before the Court below in a regular trial.

9. Therefore, leaving open all the contentions and the defences of the petitioner, the criminal original petition stands dismissed. Considering the plea made by the petitioner's counsel, his personal appearance before the Court below is dispensed with.

10. The learned trial Judge shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu



To:

1. The Principal District Judge,
Karur.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.POLEX LEGAL SOLUTIONS, Advocate (SR-12158[F] dated
17/03/2020)

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-12268[F] dated 18/03/2020
)

CrI.O.P.(MD)No.1059 of 2019
17.03.2020

SM/ (08.05.2020) 3P 5C