



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCr1.O.P.(MD)Nos.5977, 7662 & 7663 Of 2016 and
CRL.M.P.(MD)Nos.2943, 3924 & 3925 of 2016Cr1.O.P.(MD)No.5977 of 2016

1. Abdul Kabur
2. Velmurugan
3. Murugan
4. Palanisamy @ Palaniselvam
5. Jeyaraman
6. V.Thangarasu
7. Sundarapandi @ Chinnapandi

... Petitioners/
Accused 1,2,3,4,5,7 & 11

Vs.

1. The State
Rep. By the Inspector of Police,
Vadamadurai police station,
Dindigul District.
(Crime No.91 of 2016)

... Respondent/
Complainant

2. Dharmaraj

... Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in connection with First Information Report in Crime No.91 of 2016 pending investigation on the file of the first respondent and quash the same.

For Petitioners : Mr.N.Sathish Babu
For R-1 : Mr.A.Robinson,
Government Advocate(Cr1. Side)



* * *

Crl.O.P. (MD)No.7662 of 2016

R.Nagalakshmi

... Petitioner/
Accused No.2

Vs.

1. The State rep. By,
The Inspector of Police,
Vadamadurai police station,
Dindigul District.
(Crime No.407 of 2015)

... Respondent/
Complainant

2. K.Balasubramaniyan

... Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.407 of 2015 dated 07.09.2015 on the file of the respondent No.1 police for the alleged offences under Sections 341, 294(b) and 506(ii) of I.P.C. and quash the same as illegal.

For Petitioners : Mr.T.Lajapathi Roy
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side)

For R-2 : Mr.N.Sathish Babu

Crl.O.P. (MD)No.7663 of 2016

R.Nagalakshmi

... Petitioner/
Accused No.2

Vs.

1. The State rep. By,
The Inspector of Police,
Vadamadurai police station,
Dindigul District.
(Crime No.403 of 2015)

... Respondent/
Complainant



2. K.Saroja

... Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.403 of 2015 dated 06.09.2015 on the file of the respondent No.1 police for the alleged offences under Sections 294(b), 354, 509 r/w Section 4(i) of Tamil Nadu Prevention of Harassment of Women Act and Section 67(A) of Information Technology Act and quash the same as illegal.

For Petitioners : Mr.T.Lajapathi Roy
For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side)

For R-2 : Mr.N.Sathish Babu

C O M M O N O R D E R

These criminal original petitions have been filed for quashing the impugned First Information Reports.

2. The parties hail from Thamaraipadi Village, Dindigul District. Dharmaraj and Marimuthu who are close relatives and who belong to S.C.community hail from the same village. Marimuthu got married to Nagalakshmi. She belongs to Vanniyar community. According to Dharmaraj, this gave rise to a strained relationship with the other members of his community. Dharmaraj alleges that the petitioners in Crl.O.P.(MD)No.5977 of 2016 attacked their house, utensils and took away the valuable articles. Therefore Dharmaraj lodged a criminal case before Vadamadurai police station leading to registration of Crime No.91 of 2016 for the offences under Sections 147, 148, 448 and 380 of I.P.C. r/w. Section 3(1) of Tamil Nadu Public Property(Prevention of Damage and Loss) Act and Section 3(1) (xv) of Scheduled Castes and Scheduled Tribes Act. To quash the same, Crl.O.P.(MD)No.5977 of 2016 has been filed.

3. Nagalakshmi is the petitioner in Crl.O.P.(MD) No.7662 of 2016. She wants Crime No.407 of 2015 registered on the file of Vadamadurai police station to be quashed. Crime Nos.403 and 407 of 2015 came to be registered following the transmission of certain offending videos with messages in social media. The defacto complainant in Crime No.403 of 2015 is one Saroja. She would allege that she was playing dice along with her neighbour. The same was secretly video-graphed by Marimuthu and Nagalakshmi and others and thereafter the offending messages were shared along with video-graphs in the social media. The defacto complainant in Crime No.407 of 2015 is one Balasubramanian. He would allege that Marimuthu and others have waylaid him and scolded in highly defamatory words and threatened him with a weapon. To quash the same, Crl.O.P.(MD) Nos.7662 and 7663 of 2016 have been filed.



4. The contention of the learned counsel appearing for the defacto complainants is that all the three criminal original petitions are liable to be dismissed and they would rather face the trial.

5. On the other hand, the contention of the learned counsel appearing for the petitioners in Crl.O.P.(MD)No.5977 of 2016 is that Crime No.91 of 2016 has been given as a counter blast to the registration of Crime Nos.403 and 407 of 2015 on the file of Vadamadurai police station. The learned counsel would also point out that petitioners 2 and 3, namely, Velmurugan and Murugan belong to S.C. Community and that therefore, the very registration of the First Information Report is not maintainable.

6. The learned Government Advocate(Crl. Side) rightly pointed out that while the petitioners cannot be accused under Section 3(1) (xv) of SC/ST Act, the offence under the provisions of Indian Penal Code would prima facie be attracted against them. The learned Government Advocate(Crl. Side) pointed out that the house of Dharmaraj appears to have ransacked and that is why the Government has also paid him compensation of Rs.1,00,000/-.

7. The first petitioner in Crl. O.P.(MD)No.5977 of 2016 belongs to Muslim community. He is the Panchayat president. There appears to be absolutely no reason whatsoever for him to abuse the defacto complainant who is the resident of his village for a very long time. Therefore, I find the allegation made under Section 3(1) (xv) of SC/ST Act is inherently improbable. Therefore, I have no hesitation to quash the First Information Report in Crime No.91 of 2016 to the extent it invokes Section 3(1)(xv) of SC/ST Act. Though Dharmaraj has given a communal colour to the occurrence as a counter blast to the registration of the other two First Information Reports, the occurrence of ransacking appears to have really happened. I am not inclined to quash the First Information Report in toto. It is relevant to note here that the case is at the FIR stage. It is just and proper that the first respondent police is allowed to take the investigation to its logical conclusion and file final report before the jurisdictional Magistrate. Crl.O.P.(MD) No.5977 of 2016 stands allowed in part. Crl.O.P.(MD) Nos.7662 and 7663 of 2016 stand dismissed.

8. It is made clear that this Court has not gone into the merits of the matter. All the defences of the petitioners are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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To:

1. The Inspector of Police,
Vadamadurai police station,
Dindigul District.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate(SR-2780[F] dated 24/01/2020)

Cr1.O.P.(MD)Nos.5977, 7662 & 7663 of 2016

23.01.2020

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