



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.6393 of 2016 and

CRL.M.P.(MD)No.3175 of 2016

WEB COPY

1. Abdul Kabur
2. Velmurugan
3. Jeyaram
4. Thangarasu
5. Kanagaraj
6. Palanisamy @ Palaniselvam

... Petitioners/
Accused 1,2,4,5,9 & 11

Vs.

1. The State
Rep. By the Inspector of Police,
Vadamadurai police station,
Dindigul District.
(Crime No.496 of 2015)

... Respondent-1/
Complainant

2. Marimuthu

... Respondent-2/
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.496 of 2015 pending investigation on the file of the first respondent and quash the same as against the petitioners.

For Petitioners	: Mr.N.Sathish Babu
For R-1	: Mr.A.Robinson, Government Advocate(Crl. Side)
For R-2	: Mr.T.Lajapathi Roy

O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the First Information Report in Crime No.496 of 2015 on the file of the first respondent for the offences under Sections 147, 148, 294(b), 341, 506(ii) I.P.C., and Section 3 of Tamil Nadu Public Property(Prevention of Damage and Loss) Act and Section 3 (i)(x) of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act 1989.



3. The case of the defacto complainant is as follows:

The defacto complainant belongs to Hindu Chakilian community. Hindu Pallars are predominant in his village. Haji Abdul Kabur is the President of the local panchayat. One Velmurugan belonging to Pallar community is the Vice President. Some two months prior to the occurrence, there was a petty quarrel between the defacto complainant on the one hand and one Saroja and her friends on the other. According to the defacto complainant, Saroja and others were blocking the public pathway. When he complained to Haji Abdul Kabur, Panchayat President, he is said to have told the defacto complainant that he should not make baseless allegations and that he should send proof. The defacto complainant claims that when Saroja and Muthupandiyammal were playing dice blocking the pathway, the same was video-graphed by the defacto complainant and sent via WhatsApp. The defacto complainant would further claim that this was given a different twist by Abdul Kabur. The defacto complainant further claims that he was abused with reference to his caste. Instigated by Abdul Kabur, Velmurugan and others ransacked the house of the defacto complainant. The defacto complainant would further claim that valuables were also found missing. The occurrence was said to have taken place on 18.08.2015. Based on the complaint given on 05.11.2015, the impugned First Information Report was registered.

4. To quash the same, this criminal original petition has been filed.

5. In fact this is not a solitary First Information Report. Crime No.403 of 2015, Crime No.407 of 2015 and Crime No.91 of 2016 have also been registered.

6. Some of the petitioners herein including Abdul Kabur are the petitioners in CrI.O.P.(MD)No.5977 of 2016. I had held that the invocation of the provisions of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act was not justified as the allegation was inherently improbable. However, I had also observed that the First Information Report cannot be quashed in *toto*. The reasons set out in the common order in the aforesaid criminal original petition can also be adopted in the case on hand.

7. I therefore quash the impugned First Information Report only to the extent it invokes Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act. The impugned First Information Report remains intact in other respects. It is for the respondent police to take investigation to its logical conclusion and file final report before the jurisdictional Magistrate at the earliest.



8. The criminal original petition stands partly allowed. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pmu

To:

1. The Inspector of Police,
Vadamadurai police station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No. 6393 of 2016
23.01.2020

AP(19/06/2020) 3P 3C