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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NOS.24266 OF 2016 AND 29160 OF 2017

AND

CRL.M.P.NOS.11566 OF 2016 AND 16482 OF 2017

1. Lilly Theresa
W/o.Late Victor Emmanuel

2. Lethisya Mary
D/o.Late Victor Emmanuel

3. Mariya Arokiyarani
D/o.Late Victor Emmanuel

... Petitioners/Accused 2 to 4
in Crl.O.P.No.24266 of 2017

Maria Arokiaraj

... Petitioner/Accused 1
in Crl.O.P.No.29160 of 2017

Versus

1. The State represented by its
The Assistant Commissioner of Police,
Neelangarai,
Chennai - 115.
(Crime No.1042 of 2015 on the
file of J8, Neelangarai P.S)

... 1st Respondent/Complainant
in both OPs

2. Sujatha

... 2nd Respondent/De-facto
complainant in both OPs

COMMON PRAYER:-

Criminal Original Petition filed under Section 482 Cr.P.C to
call for the records pertaining to S.C.No.129 of 2016 on the
file of the Sessions Court at Chengalpattu and quash the same.

For Petitioner : Mr.V.C.Janardhanan
For Mr.G.RM.Palaniappan



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For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. side)
For R1

Ms.S.Deepika
For R2

C O M M O N O R D E R

These Criminal Original Petitions have been filed to quash the proceedings against the petitioners in S.C.No.129 of 2016 pending on the file of the Sessions Court at Chengalpattu for the offences under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act').

2. The petitioner/A1 in Crl.O.P.No.29160 of 2017 is the husband of the de facto complainant and petitioners in Crl.O.P.No.24266 of 2017, who are arrayed as Accused 2 to 4, are mother-in-law and sister-in-laws of the de facto complainant. The crux of the charge against the accused is that they abused the de facto complainant, who is the wife of the first accused, in the caste name on 14.02.2015 resulting in the launching of the prosecution for the offence under Section 3(1)(x) of the SC/ST Act.

3. The learned counsel appearing for the petitioners vehemently contended that the case has been falsely foisted against these petitioners due to the matrimonial dispute between husband and wife and the de facto complainant has converted as Christian and she cannot be remained as a person belonging to Schedule Caste community. He would further submit that this complaint has been filed as a counter blast to the divorce proceedings filed by the husband/A1. Learned counsel would submit that the only allegation against these petitioners is that the petitioners entered into the house of the de facto complainant and allegedly abused the de facto complainant by her caste name thereby insulted and humiliated her and the statements recorded by the Investigation Officer also do not constitute any offence and that apart, petitioners 2 and 3 in Crl.O.P.No.24266 of 2016 were never in the house at the relevant point of time where the so called occurrence took place. Therefore, it is his contention that the entire prosecution is nothing but an abuse of process of law and therefore, the entire final report is liable to be quashed.



4. On a perusal of the final report and FIR, prima facie it appears that the complaint is the result of matrimonial dispute primarily between the husband and wife, but at the same time, the materials collected by the prosecution and statements of the neighbours indicate that there are some abuse said to have been made by the petitioners in the caste name.

5. In such view of the matter, though this Court prima facie satisfied that this complaint is a result of matrimonial dispute, as the materials unearthed by the prosecution indicate that there are some allegations to the effect that these petitioners abused the de facto complainant by her caste name, it is for the trial Court to appreciate the evidence.

6. Therefore, at this stage I am not inclined to quash the final report, but however taking note of the nature of the complaint, the petitioners personal appearance before the trial Court is dispensed with except for receiving copies and answering the charges u/s.313 Cr.P.C questioning and any other hearing that may be fixed by the trial Court. The trial Court shall also, take note of the matrimonial dispute between the parties and the contention of the petitioners that petitioners 2 and 3 in CrI.O.P.No.24266 of 2016 were not present in the place of occurrence at the relevant point of time and decide the issue on merits.

7. With the above observation, these Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

1. The Sessions Judge,
Chengalpattu.



2. The Assistant Commissioner of Police,
Neelangarai, Chennai - 115.
(Crime No.1042 of 2015 on the
file of J8, Neelangarai P.S)

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3. The Public Prosecutor,
Madras High Court,
Chennai - 104.

+2ccs to Mr.G.RM.Palaniappan, Advocate, S.R.Nos.69620 & 69621

CRL.O.P.NOS.24266 OF 2016 AND 29160
OF 2017 AND CRL.M.P.NOS.11566
OF 2016 AND 16482 OF 2017

PA (CO)
PBS/07/02/2022