

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.9283 of 2015
and MP No.1 of 2015

1. S.Sudha
2. G.Suresh

... Petitioner

-Vs-

1. Periyasamy
2. Mariappan
3. Thangaraj
4. Sakthivel
5. Rangasathan
6. Govindhan
7. Chinnakunji
8. Raji
9. Kanniappan
10. Alagesan
11. Murugan
12. Gandhi
13. Raju
14. Manoharan
15. Jayavel
16. Shanmugam
17. Rukku
18. Mathu
19. Ratna
20. Sathya
21. Yasotha
22. Dhanammal
23. The Deputy Superintendent of Police,
Harur Division, Harur

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to order transferring the S.C.No.146 of 2014, pending before the District and Sessions Court, Dharmapuri to the Special Court under the S.C and SC (PA) Act, 1989, Salem for Trial.

For Petitioner : Mr.P.Rathinam

For Respondent : Mr.M.Selvam for R1 to R9
R13 to R22
Mr.T.M.Pappiah
for R10, 11, 12

O R D E R

This Criminal Original petition has been filed seeking to transfer the S.C.No.146 of 2014, pending before the District and Sessions Court, Dharmapuri to the Special Court under the S.C and SC (PA) Act, 1989, Salem.

2. The case of the petitioners is that there was an intercaste marriage held between the petitioners on 21.04.2010. The 1st petitioner belongs to Most backward community and 2nd petitioner belongs to Scheduled caste. Initially, without knowing the caste of the 2nd petitioner, the 1st petitioner's family supported their marriage. After they came to know about the caste of the 2nd petitioner, prevented her from taking water from the public well and also harassed the 2nd petitioner by using her caste name. Therefore, a complaint was given by the 2nd petitioner before the respondent police and an FIR was registered against 22 accused persons in Crime No.234 of 2013 for an offence under Section 147, 323, 506(i) IPC and 3(1) (XIV) of SC & ST (POA) Act, 1989.

3. The learned counsel for the petitioners submitted that the accused persons are politically and socially very much influential people and there is a life threat to the petitioner and therefore, prays this Court to transfer the proceedings from Dharmapuri to Salem.

4. The learned Counsel for Government (Crl. Side) submitted that the trial has already been commenced in this case and the same is pending for judgment.

5. This Court has carefully considered the submissions made on either side and also perused the materials.

6. On perusal of the records shows that the accused persons/Respondents have filed Crl.OP.No.15815 of 2015 seeking to quash the proceedings pending against them in S.C.No.146 of 2014 and this Court by an order has passed the following order:-

5. The grounds raised in the quash petition is that during the year 2013, there was a dispute pertaining to pathway leading to Mariamman Temple. The 1st petitioner

being the Village Gounder, along with other villagers went to the defacto complainant's house to resolve the dispute but due to wordy argument, the father in law of the defacto complainant assaulted the petitioners. Therefore, the villagers wanted to take action against the defacto complainant and her family members for showing disrespect to the Oor Gounder, However, the defacto complainant in order to avoid adverse action taken against her family members had given a false complaint against them on 22.06.2013. The said complaint has been given only as a pre-emptive measure. The further ground is that the complaint was referred to the Revenue Divisional Officer (RDO) for peace committee meet and the RDO conducted peace committee meeting on 06.07.2013 and certain resolutions were made in the presence of the defacto complainant and the petitioners. The defacto complainant refused to sign the resolution made in Na.Ka.No.4323 of 2013/A2 dated 16.07.2013, thereafter, has come out with the said complaint. The further ground is that the defacto complainant had filed a writ petition in W.P.No.20303 of 2013 before this Court to take severe action against the petitioners and other accused and the same is pending before this Court. Further ground raised by the petitioners is that the defacto complainant has made only a general and omnibus allegation and no specific allegation has been made against each of the petitioners. The final report also does not disclose any that specific communication made against the victims and thereby, he would seek to quash the proceedings.

6.The learned Government Advocate (Cr1. Side) would submit that the petitioners belong to the upper class community. The defacto complainant had married one Suresh, who belongs to their community. Coming to know that the said Suresh, who belongs to their community has married the said Sudha, who belongs to S.C. community, the petitioners have abused the said Sudha and also refused to accept the temple contribution from them and they have also ex-communicated Sudha and her family.

7.There is no representation for the 2nd respondent / defacto complainant.

8.Perusal of materials shows the defacto complainant and her family members were abused by the petitioners and that the defacto complainant and her family members were also ex-communicated from the Village. All the grounds raised by the petitioners are factual in nature and that the petitioners have not raised any legal grounds to quash the proceedings.

9. In the opinion of the Court, the petition lacks merits and deserved to be dismissed.

10. It is a case of the year 2014, hence, learned Principal District Judge, Sessions Court, Dharmapuri, is hereby directed to accord priority to the case and complete the trial as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

6. In view of the order passed by this Court in CrI.O No.15815 of 2015 dated 29.01.2021, directing the Principal District and Sessions Court, Dharmapuri to dispose of the pending S.C.No.146 of 2014 and also considering the submission made by the learned Counsel for Government (CrI. Side), this Court is not inclined to transfer the case at this stage and accordingly, this Criminal Original petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The learned Principal District and Sessions Court, Dharmapuri.
2. The Public Prosecutor,
High Court of Madras, Chennai.

CrI.O.P.No.9283 of 2015
and MP No.1 of 2015

PL(CO)
HS(26/07/2021)