IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.03.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.5997 of 2021
and Crl. MP Nos.3921 & 3922 of 2021

Rabeen ...Petitioner/Sole Accused

vs.

1. State rep by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No.407/2019) ...1st Respondent/Complainant

2. Jayamani ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Spl. S.C.No.2 of 2020 on the file of Principal District Court, Tiruppur, quash the same.

For Petitioner : Mr.Swami Subramanian

For Respondents: Mr.C.Raghavan
Government Advocate (crl. Side)
for R1

ORDER

This petition has been filed challenging the proceedings in Spl. S.C.No.2 of 2020 on the file of Principal District Court, Tiruppur.

2. The respondent Police have filed a final report before the Court below for an offence under Sections 302 of the Indian Penal Code and 3(2)(v) of SC/ST (Prevention of Atrocities) Act. The main ground that has been raised by the petitioner is that the allegations made in the final report along with the statements of the witnesses do not make out an offence under Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act. Challenging that portion of the final report, the present petition has been filed before this Court.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3. Heard Mr.Swami Subramanian, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate appearing for the first respondent.

4. In the considered view of this Court, the case is now at the stage of opening of the case of the prosecution under Section 226 of the Code of Criminal Procedure Code. The ground that has been raised by the petitioner in the present petition can very well be raised before the Court below after the opening of the case by the prosecution and the Court below has sufficient powers to consider the same and if no offence has been made out under the SC/ST (Prevention of Atrocities) Act, the Court below has the power to discharge the petitioner for the said offence under Section 227 of the Code of Criminal Procedure. Only thereafter the Court below will proceed to frame charges under Section 228 of the Code of Criminal Procedure. When the petitioner is having this opportunity before the Court below, it is always left open to the petitioner to work out his remedy before the Court below and this Court is not inclined to entertain the present quash petition.

5. This Criminal Original Petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jv

To
1. The Principal District Court,
   Tiruppur.

2. The Inspector of Police,
   Avinashi Police Station,
   Tiruppur District.

3. The Public Prosecutor,
   High Court of Madras,
   Chennai 600 104.

Crl. OP No.5997 of 2021
and Crl. MP Nos.3921 & 3922 of 2021

UM(CO)
baf 10/05/2021

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/