



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16575 of 2021

and

CRL.MP.No.9051 of 2021

1. Sudhakar

2.Ravi @ Ravivarman

3.Arumugam

4.Senthil

5.Jayakumar @ Govindasamy

6.Ayyappan

7.Thangarasu

8.Eagambaram

...

Petitioners

Versus

1. The State Rep by
The Inspector of Police,
Marakkanam Police Station,
Villupuram District,
in Cr.No.208 of 2021

2. Thamaraiselvi

...

Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to call for the records in relating to the Alteration Report in connection with FIR in Cr.No.208 of 2021 dated 13.06.2021 on the file of the respondent police and quash the offence under Section 3(1) (r) (s) of SC/ST (POA) Amendment Act, 2015 alone.

For Petitioners: Mr.S.Saravana Kumar

For Respondent : Mr.A.Damodaran
No.1 Additional Public Prosecutor



ORDER

The petitioners, who are the accused in Crime No.208 of 2021 initially registered for offences under Sections 147, 148, 341, 294(b), 506(ii) IPC r/w 302 IPC, later, it was altered to offences under Sections 147, 148, 341, 294(b), 506(ii) IPC r/w 302 IPC r/w. 3(1)(r)(s) of SC/ST POA, 2015, have filed this quash petition.

2. The contention of the learned counsel for the petitioners is that out of eight accused, five belonged to Scheduled Caste community. With regard to other three persons, SC/ST Act would not get attracted for the reason that the defacto complainant was not present in the scene of occurrence and uttering of prohibitory words was not there during the assault and according to the learned counsel for the petitioners, the deceased does not belong to the Scheduled Caste Community and hence the offence under SC/ST Act cannot be included and proceeded in this case, which is the major point in this case to quash the petition.

3.The learned Additional Public Prosecutor, in this case, on instruction and verification submits that the deceased is a Scheduled Caste person. As regards four persons, who are not Scheduled Caste persons, as against them, charges under Section SC/ST Act cannot be framed with regard to other accused persons, the said persons depending upon the materials charges can be framed, the deceased belongs to the SC community and certificates were verified, soon the charge sheet to be filed and it is a case of 302 IPC. Investigation is almost completed.

4.Further, the learned Additional Public Prosecutor submits that apart from the defacto complainant, there are other witnesses, who were present in the scene of occurrence, who clearly spoken about the accused persons uttering of prohibitory words while attacking the deceased.

5.In view of the above, the Criminal Original Petition is disposed of. The only condition is that the petitioner to appear before the trial Court without fail on the hearing dates, like questioning, pre-trial questioning, 313 questioning and to receive the judgments, and whenever Trial Court insist on appearance of accused. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



gv/sms

To

1. The Inspector of Police,
Marakkanam Police Station,
Villupuram District,
in Cr.No.208 of 2021

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16575 of 2021
and
CRL.MP.No.9051 of 2021

RLD(CO)
GN(01/11/2021)