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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.12.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.12140 of 2017 &
Crl.M.P.Nos.7938 & 7939 of 2017

Mr.Kalidoss

... Petitioner

Vs

1. The State represented by
The Inspector of Police,
Voimedu Police Station,
Vedaraniyam Taluk,
Nagapattinam District.

2. Mr.Senthil Kumar

(2nd respondent is impleaded as per the order of this Court
dated 21.08.2017 made in Crl.M.P.No.10503 of 2017 in
Crl.O.P.No.12140 of 2017)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.S.C.No.65 of 2017 on the file of the First Additional District Sessions Judge (Special Court), Thanjavur in PRC No.4 of 2017 on the file of the Judicial Magistrate, Vedaraniyam Taluk, Nagapattinam and quash the same.

For petitioner : Mr.K.Sellathurai

For Respondents : R.Kishore Kumar,
Government Advocate [Criminal Side] - R1
Mr.V.Kasinatha Bharathi - R2

O R D E R

This petition has been filed to quash the final report in S.S.C.No.65 of 2017 on the file of the First Additional District Sessions Judge (Special Court), Thanjavur against the petitioner for the offences punishable under Sections 294(b), 506(ii) of I.P.C. and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.



2. The crux of the charge is that on 19.08.2016 at about 07.30 P.M., when the defacto complainant has come in his two wheeler, the accused involved in altercation with him and abused him with the caste name, thereby, committed the aforesaid offence.

3. It is the main submission of the learned Counsel of the petitioner to quash the final report is that filing of this complaint which was a result of filing of complaint against the defacto complainant and it is a motivated one to overcome the earlier complaint registered against the defacto complainant in Crime No.186 of 2016. Further it is his contention that the final report has been filed beyond the period of 60 days which is against the Rule 7(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015. Therefore, the entire final report has to be quashed.

4. Heard both sides.

5. At the outset, I am of the view that merely on the technical ground, the Court cannot exercise its power under Section 482 of Cr.P.C. Though the investigation officer has not filed the final report within the time as contemplated under Rule 7(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, the same has to be decided by the trial Court considering the other circumstances whether filing of the charge sheet beyond the stipulated time would vitiate the entire trial proceedings and not by this Court. As allegations have been unearthed by the prosecution that there has been abuse in the name of caste and the defacto complainant was subjected to atrocities, at this stage, I am not inclined to quash the proceedings. It is for the trial Court to take into consideration of the previous F.I.R. filed against the defacto complainant which is registered as crime No.186 of 2016. The Investigation Agency has to investigate the above complaint and to either file a final report or negative report, in the event, the same being closed and shall be submitted before the trial Court by annexing all the materials along with final report for appreciation by the trial Court. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioner.

6. With the above observations, this Criminal Original Petition is dismissed. In view of the submissions of the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with except for receiving copies, for answering the charges, for questioning under section 313



Cr.P.C. and any other dates fixed by the trial Court.
Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vrc / kbs

To

1. The First Additional District Sessions Judge
(Special Court), Thanjavur.

2. The Judicial Magistrate,
Vedaraniyam Taluk,
Nagapattinam District.

3. The Inspector of Police,
Voimedu Police Station,
Vedaraniyam Taluk,
Nagapattinam District.

+1cc to Mr.K.Sellathurai, Advocate SR.No.66197

Crl.O.P.No.12140 of 2017 &
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KG(CO)
GN(23/12/2021)