



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.12808 OF 2017

&

CRL.M.P.NOS.8346 & 8347 OF 2017

1. Amutha

2. Vinoth Kumar

3. Nandhidoss

4. Lal @ Arunkumar

... Petitioners/Accused

.Vs.

The State Rep. by
The Deputy Superintendent of Police,
Vellore Sub Division,
Vellore District.
(Spl.S.C.No.03 of 2017)

... Respondent

PRAYER:-

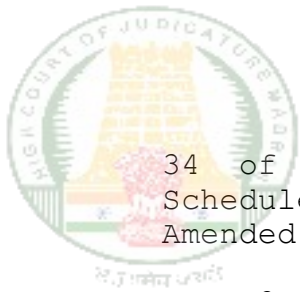
Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for Spl.S.C.No.03 of 2017 pending on the file of the Principal District and Sessions Court, Vellore and quash the same.

For Petitioners : Mr.V.Ashok Kumar

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate
(Criminal Side)

O R D E R

This petition has been filed to quash the charge sheet in Spl.S.C.No.03 of 2017 pending on the file of the Principal District and Sessions Court, Vellore against the petitioners for the offences punishable under Sections 294(b), 324 r/w Section



34 of I.P.C. and Sections 3(1)(r)(s), 3(2), (v-9) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amended Act 1 of 2016.

2. The allegation in the final report indicate that A1 to A4 with intention of humiliating the defacto complainant on the ground of caste used abusive words, thereby, committed atrocities. Besides, they also bet him and caused injuries.

3. It is the contention of the learned Counsel for the petitioner that it is a counter blast to the previous case and this case is arising out of the case in counter. There are serious contradictions in the FIR and statements. Therefore, the same has to be quashed.

4. At the outset, I am unable to accept the contention of the learned counsel for the petitioners. This Court cannot assume the role of the trial Court to find out the contradictions and omissions. It is for the trial Court to appreciate the evidence as the counter case is also registered and arising out of the same transaction. Both the cases have to be decided by the same Court in simultaneous trial. In such view of the matter, this Court cannot exercise the powers under Section 482 of Cr.P.C. to quash the charge sheet in Spl.S.C.No.03 of 2017. Both the cases have to be tried in the same Court simultaneously.

5. Accordingly, this Criminal Original Petition is dismissed. This Court will not entertain these petitions to quash the proceedings. The trial Court shall expedite the trial and dispose of the same within a period of six (6) months. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ggs/kbs

To

1. The Principal District and Sessions Court,
Vellore.



2. The Deputy Superintendent of Police,
Vellore Sub Division,
Vellore District.

WEB COPY

CRL.O.P.NO.12808 OF 2017 &
CRL.M.P.NOS.8346 & 8347 OF 2017

SSV(CO)
PBS/20/01/2022