



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.14133 of 2017  
and CrI.M.P.Nos.9031 and 9032 of 2017

T.Senthil Kumar

...Petitioner/Accused

Vs.

1.The Inspector of Police,  
Ammapettai Police Station,  
Erode District.

...Respondent/Complainant

2.Appusamy

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in C.C.No.179 of 2016 on the file of the Judicial Magistrate Court, Bhavani quash the same.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mr.S.Vinoth Kumar for R1  
for Public Prosecutor

ORDER

This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to quash the charge sheet in C.C.No.179 of 2016 on the file of the Judicial Magistrate Court, Bhavani.

2.Case of Prosecution:

(i).The petitioner belongs to Kondareddis community which is a Scheduled Tribe community. In his school and college records his community was entered as Hindu, Kondareddis. He also stated that in the year 1995 since his grandfather was residing at Salem and he preferred an application to the Revenue Divisional Officer, Salem and obtained a community certificate that the petitioner belonged to Kondareddis community at that time, he was studying in the Chikkaiah Naicker College, Erode.



(ii).While so, the second respondent preferred a complaint to the State Level Scrutiny Committee stating that the petitioner's community certificate is bogus and by virtue of the bogus community certificate he contested to the post of Ammapettai Village Panchayat President in the seat reserved for the Scheduled Tribe.

(iii).The State Level Committee referred the matter to the Vigilance Cell and after obtaining a report from the Vigilance Cell, the State Level Scrutiny Committee without following the procedure cancelled petitioner's community certificate on 06.11.2015.

(iv)That being so, the second respondent gave a complaint to the first respondent police on 09.07.2015 alleging that the community certificate obtained by him was a forged one and he do not belong to the Kondareddis community. The first respondent Police registered a case in FIR in Cr.No.252 of 2015 for the alleged offences under Sections 420, 466, 468 and 471 IPC. After completion of the investigation, the first respondent filed a charge sheet in C.C.No.179 of 2016 on the file of the Judicial Magistrate, Bhavani.

3.Heard, learned counsel appearing for the petitioner and the learned counsel appearing for the Public Prosecutor and perused the materials available on record.

4.An application has been filed challenging the Final Report filed under Sections 420, 466, 468 and 471 IPC. It is contended that though allegedly producing fabricated community certificate is found to be a bogus certificate, it has been decided by the State Level Scrutiny Committee challenging the writ petition which is pending in W.P.No.5502 of 2019. Therefore, it has been contended that till the writ petition is disposed of, the prosecution cannot be proceeded.

5.I am at last to understand how the writ petition is relevant, the writ petition has been filed challenging the order passed by the State Level Scrutiny Committee with regard to the validity of the community certificate.

6.The crux of the charge is that the accused has produced a bogus certificate though he does not belong to particular category and contested in the election, the prosecution has completed and analyzed the materials including the community certificate of the son of the accused, which indicated that he



belongs to Backward Community when there is a material available against the accused, it is a fit case to be tried for the various charges. Therefore, the writ petition filed challenging the some other order that cannot be a ground to postpone the prosecution or to quash the proceedings.

7. Accordingly, the Criminal Original Petition is dismissed. However, it is for the applicant to expedite the writ petition which is pending before the concerned Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

gd/pam

To

1. The Judicial Magistrate Court,  
Bhavani.

2. The Inspector of Police,  
Ammapettai Police Station,  
Erode District.

3. The Public Prosecutor,  
Madras High Court,  
Chennai.

+1cc to Mr. S. Doraisamy, Advocate SR.No.57828

Cr1.O.P.No.14133 of 2017

SS(CO)  
CB(01/12/2021)