



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.12.2021

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Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.28644 of 2017 & Crl.O.P.No.25159 of 2017 &
Crl.M.P.No.14484 of 2017

Dr.B. Rengaiiah

...Petitioner/Informant

Vs

1. The State Represented by
The Secretary
Home Department, Puducherry
Puducherry State.
2. The Director General of Police
Puducherry State, Puducherry
3. The Inspector of Police,
PCR Cell, Kalapet Police Station
Puducherry State-605 014.
(Crime No. 3/17)

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to transfer the case in Crime No. 3/17 on the file of the Inspector of Police, PCR Wing, Puducherry the third Respondent to CBCID Puducherry.

Crl.O.P.No.25159 of 2017

Dr.M. Ramachandran

...Petitioner/Accused

Vs

1. The State represented by
The Inspector of Police,
PCR Cell, Puducherry,
Kalapet - 605 014.
(Crime No. 3/17)

...1st Respondent/Complainant



2. Dr.B. Rangaiah

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in crime No.3 of 2017 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.R.Vivekananthan
in CrI.O.P.No.25159 of 2017
Mr.R.Sankarasubbu
in CrI.O.P.No. 28644 of 2017

For Respondents :Mr.V.Balamurugan,
Assistant Public Prosecutor
(Pondicherry)
for R1 in CrI.O.P.No.28644 of 2017 &
for R1 to R3 in CrI.O.P.No.25159 of 2017
Mr.R.Sankarasubbu
for R2 in CrI.O.P.No.25159 of 2017

COMMON O R D E R

These petitions have been filed to quash the First Information Report filed against the petitioner in Crime No.3 of 2017 for the offence under section 7 [1] [d] of Protection of Civil Rights Act, 1955 and for transfer of investigation to CBCID, Puducherry.

2. The First Information Report mainly contain serious allegation against the petitioner herein for allegedly caused atrocities on the defacto complainant, he belonging to a member of schedule caste. The crux of the allegation against the petitioner is that the defacto complainant is working as a professor in Pondicherry University and he was the Head of the Department at the relevant point of time. The main allegation against the petitioner is that on 10.08.2016 in the morning, when the defacto complainant reported to Vice Chancellor Dr.Anisha Basher Khan about the petitioner's unlawful approach, she told that

“non implementation of the said Reservation is not an offence. If neessary, only civil cases can be filed for not following the reservation, it cannot affect her decision.”



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Thereafter, on the same day evening, he met Dr.Ramachandran, in charge Registrar/petitioner herein, the petitioner became very angry and teased the defacto complainant in tamil using vituperative language and also unparliamentary words and used caste name of the defacto complaint and shouted by saying

"No SC/ST dogs should sit in front of me, get out. You being in University itself is a big thing. Be thankful for University to pay you salary for everymonth. Don't come and beg for Ph.D seats, Leave the room before I show my true colour. You don't known my background."

Similarly in the academic metting on 31.01.2017, the defacto complainant spoke for the reservation in Ph.D. After Lunch when he met the Registrar in the corridor, he shouted at him saying

"Look Dr.Rangaiah, what are you thinking of yourself? Whatever we say is the rule in this University. Nothing can stop us. Better you have yourself. You have made VC very angry. Better go and fall in her feet to save you. Already you have examples and know how many dogs we have fixed. We will teach you a lesson and all SC.ST dogs will learn from your example."

The rest of the allegations are directed against the Vice Chancellor. The main allegation against his petitioner is that he committed atrocities on the ground of caste. The First Information Report has been filed in Crime No.3 of 2017 under section 7 [1][d] of Protection of Civil Rights Act and the same is sought to be quashed.

3. The learned counsel appearing for the petitioner is seeking to quash the First Information Report stating that the case is a result of motivation and only in order to black mail the superior officers. It is his contention that the First Information Report was registered on 25.04.2017. After disciplinary action was taken and the petitioner was removed from the post of Head of the Department. If really such occurrence as pleaded by the defacto complainant has taken place, the defacto complainant being the Head of the Department ought to have complained at the earliest point of time. Whereas in the earlier point of time, he has sent a representation to the Vice Chancellor on 17.02.2017 and in the above representation, there was no whisper about the alleged scolding in the previous occasion. Similarly, in Complaint sent to the Director General of Police on 18.12.2017 also there is no whisper about any of the above allegations. Further the defacto complainant also sent a representation to the President of India



on 20.02.2017 and the complaint has been sent to Director General of Police on 01.03.2017. Thereafter, university took action removing the defacto complaint from the post of Head of the Department by an Order dated 19.04.2017. The representation sent to the Chief Rector, Pondicherry was given by the defacto complaint followed by a writ petition challenging the Order. In the writ petition also there is no whisper made about the alleged caste discrimination. Thereafter, the present First Information Report has been filed on 25.04.2017. Hence, it is his contention that the entire criminal complaint is a result of the action taken by the department against the defacto complainant and submitted that the present complaint is nothing but abuse of process of law and the First Information has to be quashed.

4. The learned Government Advocate [Criminal Side] submitted that on enquiry it revealed that on the date of the alleged occurrence, there was no such incident as alleged by the defacto complainant took place. In this regard, a status report, as directed by this Court, has also been placed before this Court.

5. Mr.R.Sankarasubbu, the learned counsel appearing for the defacto complainant vehemently opposed for quashing the First Information Report at this stage. He also submitted that the defacto complainant has also filed a petition to transfer the investigation to some other agency as the State is not properly investigating the matter. Hence, opposed to quash the First Information Report.

6. Normally, the Courts while exercising its jurisdiction under section 482 Cr.P.C. is slow and reluctant to interfere in the investigation or the final report when there are prima facie materials as against the accused. At the same time, when the initiation of the complaint or the First Information Report is a result of any motive or false fabrication, the Court cannot shut its eyes to interfere with such false case to prevent abuse of process of law. This Court is also cautious that any form of atrocities caused against a member of SC and ST cannot be tolerated as Constitution has given equal right to all the citizens. At the same time, when the case has been filed taking advantage of any Special Act with some motive, such cases cannot be allowed to continue.



7. The very allegation in the First Information Report indicate that on 10.08.2016 and 31.01.2017, the defacto complainant was subjected to caste harassment and the petitioner being the Registrar of the University abused the defacto complainant in the name of caste and thereby committed the offence. It is relevant to note that the entire allegation in the First Information Report read in entirety, the main grievance appears to be with regard to the University affairs. If really such incident occurred on 10.08.2016 and 31.01.2017, normal conduct of a human being would be that the moment discrimination in the name of caste on the person who was holding the post of the Head of the Department at the relevant point of time happened would have preferred a complaint immediately. It is to be noted that in several communications sent by the defacto complainant after the alleged occurrence right from 15.02.2017 till the writ petition is filed on 21.04.2017, there was no whisper whatsoever made with regard to the alleged utterance of words or abuse in the name of caste. The representation sent to the Vice Chancellor and the complaint to the Director General of Police and complaint to Chief Rector, Pondicherry and the complaint to the President of India were sent from 17.02.2017 and 21.02.2018. These facts have not been disputed. In those complaints there is no whisper about the alleged occurrence on 10.08.2016 and 31.01.2017 particularly with regard to abuse and discrimination in the name of caste. The present First Information came to be filed on 24.04.2017 that too after action has been initiated by the University on 19.04.2017, wherein the defacto complainant was removed from the post of Head of the Department. Immediately, the same has been challenged in a writ petition in W.P.No.11277 of 2017. The entire affidavit filed before this Court in the writ petition also do not show any such occurrence of caste abuse as alleged in the incidents narrated in the First Information Report. All these facts clearly show that the complaint is nothing but motivated and is a result of disciplinary action taken against the defacto complainant.

8. The status report filed by the investigation agency after examining several witnesses indicate that no such occurrence has taken place and in fact, in the so called meeting, the defacto complainant has not appeared. The status report has been filed as per the direction of this Court. Therefore, this Court is of the view that the alleged complaint is itself motivated and a result of some other dispute in the



University between the Registrar and the Head of the Department and the criminal law was set in motion to vindicate his personal grievance. In such view of the matter, this Court is of the view that it is a clear case of abuse of process of law. As the prosecution has filed a status report and this Court is also satisfied that this case is a result of motive and there is no need for transfer of investigation to some other agency. Hence, this Court is of the view that continuation of investigation is an abuse of process of law and the First Information Report is liable to be quashed.

9. Accordingly, this Criminal Original Petition in CrI.O.P.No.25159 of 2017 is allowed and the proceedings in Crime No.3 of 2007 on the file of the first respondent against the petitioners is quashed. As the First Information Report itself has been quashed, Criminal Original Petition No.28644 of 2017 filed for transfer of investigation to some other agency, is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary
Home Department, Puducherry
Puducherry State.
2. The Director General of Police
Puducherry State, Puducherry
3. The Inspector of Police,
PCR Cell, Puducherry,
Kalapet - 605 014.

+1 CC to Mr.R.Vivekananthan, Advocate sr 64213

CrI.O.P.Nos.28644 of 2017 &
CrI.O.P.No.25159 of 2017 &
CrI.M.P.No.14484 of 2017

AKII (CO)
SP(22/02/2022)