



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.28317 of 2018

&

Crl.M.P.No.16464 of 2018

Poonimadevi

... Petitioner/Sole Accused

Vs

1. The State rep by its
Additional Deputy Superintendent of Police,
Erode North Police Station,
Erode North,
Erode District.
Crime No.137 of 2018

2. Vijaya Lakshmi

(R2 is impleaded as per order in Crl.M.P.No.16928/18 in
Crl.O.P.No.28317/18 dated 13.12.2018)

...Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet filed in S.P.S.C.No.100 of 2018 on the file of the District Sessions Court (Special Court in SC/ST Cases) Erode, Erode District and quash the same.

For Petitioner : Mr.S.Senthilnathan

For Respondents: R1 - Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)
for Public Prosecutor

R2 - Notice unserved



O R D E R

This petition has been filed to quash the charge sheet filed against the petitioner for the offence under section 3[1] [r] [s] SC/ST [POA] Amendment Act, 2015 in SPSC.No.100 of 2018 on the file of the District Session Court, Erode.

2. It is the contention of the petitioner that the defacto complainant is the sister-in-law of the petitioner herein and the entire case has been falsely implicated against her due to family dispute. The further contention of the petitioner is that witnesses 1 to 3 examined by the police in fact do not support any such occurrence. Therefore, it is the contention of the petitioner that the entire case of the prosecution has to quashed.

3. It is to be noted that though the relationship of the petitioner and the defacto complainant is very close, a perusal of the materials available on record, it appears that the parties are not residing in the same house from the very inception. When serious allegations of abuse and atrocities are said to have been committed on a member of a Scheduled Caste, whether such allegations are proved or not, is not the matter to be decided in a petition filed to quash the proceedings and the same is matter of evidence before the trial Court. When prima facie materials are available on record and serious allegations are pressed into service, the same has to be decided at the time of trial. In such view of the matter, this Court is not inclined to quash the proceedings. It is well open to the petitioner to take all the defence before the trial Court.

4. Accordingly, this Criminal Original Petition is dismissed. Taking note of the nature of the complaint, the personal appearance of the parties shall be dispensed with, except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C. and on the date of judgment. Consequently, connected miscellaneous petition is closed .

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

vrc



To

1. The District Sessions Court
(Special Court in SC/ST Cases),
Erode, Erode District.
2. The Additional Deputy Superintendent of Police,
Erode North Police Station,
Erode North,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28317 of 2018 &
Crl.M.P.No.16464 of 2018

SVI(CO)
SU(01/12/2021)