



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2021

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.HEMALATHA**

Crl.O.P. (MD)No.2298 of 2021

and

Crl.M.P. (MD)No.1168 of 2021

WEB COPY

Kesavan

...Petitioner

/Vs./

1.The Inspector of Police,
Sembatti Police Station,
Dindigul District.
(Crime No.882 of 2020)

2.S.Rajakaleeswaran

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Spl.S.C.No.31 of 2020 on the file of the learned Sessions Judge, Special Court for SC/ST Cases, Dindigul and quash the same as against the petitioner.

For Petitioners	: Mr.Sivaprakash
For Respondent No.1	: Mr.A.Robinson
	Government Advocate
	(Criminal Side)

ORDER

This petition is filed to call for the records in Spl.S.C.No.31 of 2020 on the file of the learned Sessions Judge, Special Court for Scheduled Caste and Scheduled Tribe Cases, Dindigul and quash the same.

2. The learned counsel for the petitioner drew the attention of this Court to the 161 (3) statement of the victim and contended that no specific allegations are made against the present petitioner/accused.

3. Heard Mr.Sivaprakash, learned counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Criminal Side) for the first respondent.

4. A perusal of the statement of the witnesses and the final report *prima facie* shows that the petitioner committed the offences punishable under Sections 147, 294(b) and 506(i) of the Indian Penal Code and 3(1)(r) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Moreover, the contention of the learned counsel for the petitioner

that all the witnesses belong to the same community as that of the defacto complainant cannot be a ground for quashing the entire proceedings in Spl.S.C.No.31 of 2020, especially when there are other allegations also against the present petitioner, apart from the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Only after trial, the truth or otherwise of the allegations against the accused can be found out.

6. In the facts and circumstance of the case, this petition is dismissed. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Sessions Judge,
Special Court for SC/ST Cases, Dindigul.
2. The Inspector of Police,
Sembatti Police Station, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (10.03.2021) 2P 4C