



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No. 12486 of 2021

and

Crl.M.P. (MD)No.6377 of 2021

WEB COPY

Ashok Kumar

... Petitioner/14th Accused

Vs.

1.The Inspector of Police,
Keelarajakularaman Police Station,
Keelarajakularaman,
Virudhunagar District.
(Crime No.287 of 2018)

... 1st Respondent/Complainant

2.Jeyasri,
Headmaster Union Primary School,
Peyampatti,
1st Cross Street,
PRR Nagar,
Rajapalayam Taluk,
Virudhunagar District.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records pertaining to the proceedings in Spl.S.C.No.45 of 2019 on the file of the Special Court SC/ST (POA) Act, Srivilliputhur at Virudhunagar District and quash the same so far as the petitioner herein/14th accused is concerned.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor for R1

Mr.C.Mayilvahana Rahandran for R2

ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the defacto complainant.

2.The petitioner is figuring as A.14 in Spl.S.C.No.45 of 2019 on the file of Special Court SC/ST (POA) Act, Srivilliputhur, Virudhunagar District. The petitioner is facing trial for the offences under Sections 147, 448, 294(b), 353 and 506(1) IPC, Section 4 of TN Prohibition of Harassment of Woman Act,2002 and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.



3.The case of the prosecution is that on 09.04.2018, at about 03.30 p.m, the occurrence in question took place at Peyampatti Village in Rajapalayam Taluk. The specific stand of the petitioner herein is that on the relevant date, the petitioner was not even in India. In support of his contention, the petitioner has produced his Passport entries. According to the petitioner, he left India on 01.04.2017 for Dubai and returned only on 26.03.2019. Therefore, by no stretch of imagination, he could have been present in the occurrence spot on 09.12.2018. The matter was adjourned to enable the prosecution to confirm the statement.

4.Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor, on instructions, states that the petitioner was not at all in India when the occurrence took place. Therefore, the implication of the petitioner has been proved to be false. The continuance of the impugned prosecution against the petitioner can be only termed as an abuse of legal process. Therefore, the impugned proceeding stands quashed as far as the petitioner is concerned. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// 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 (POA) Act Cases,
Srivilliputhur at Virudhunagar District.
- 2.The Inspector of Police,
Keelarajakularaman Police Station,
Keelarajakularaman,
Virudhunagar District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-38084[F] dated
10/12/2021)

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RS (10.12.2021) 3P-5C