



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.18382 of 2021

and

Crl MP(MD)No.10097 of 2021

WEB COPY

S.Nandakumar

... Petitioner/Accused No.1

vs.

1.The State of Tamil Nadu,
rep.by the Sub Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.
(Crime No.409 of 2020)

...1st Respondent/complainant

2.Kumaravel
District Adi Dravidar and
Tribal Welfare Officer,
Kanyakumari,
Revenue Divisional Office,
Nagercoil.

...2nd respondent/
defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.Pc,
to call for the records of the FIR in Crime No.409 of 2020 dated
28.06.2020 on the file of the first respondent and quash the same.

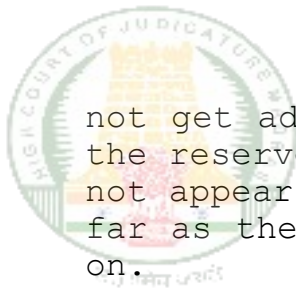
For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor for R1

ORDER

This criminal original petition has been filed to quash the
FIR in Crime No.409 of 2020 registered on the file of the Nesamony
Nagar Police Station for the offences under Sections 465 & 466 of
IPC. The case of the prosecution is that the community certificate
issued in favour of the petitioner and his brother certifying that
they belonged to Konda Reddy community (A notified Scheduled Tribe
Community) was cancelled since they obtained the said certificate by
misrepresentation. Based on the complaint of the defacto
complainant, Crime No.409 of 2020 came to be registered.

2.There is no dispute that when the certificate was issued,
the petitioner was a minor. It is also seen that the petitioner did
not avail any benefit due for scheduled tribes. The petitioner did



not get admitted in any educational institution or employment under the reserved category. Implicating the petitioner in the case does not appear to be correct. Hence, the impugned FIR stands quashed as far as the petitioner is concerned. Investigation of course may go on.

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3.This criminal original petition stands allowed. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

skm

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 Sub Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of the Madras High Court,
Madurai.

+1 CC to M/s.V.KARTHIKEYAN, Advocate (SR-39564[F] dated 20/12/2021)

Cr1 OP(MD)No.18382 of 2021

17.12.2021

RK(19/01/2021) 2P 4C