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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. Nos.14609 to 14612 of 2011
and
Crl.O.P.No.13241 of 2017

Crl.O.P.No. 14609 of 2011
Mr. K.Saravanan Karuppasaamy
S/o. Karuppasaamy Nayakka Devar

... Petitioner

Versus

The State of Tamil Nadu,
Represented by CBCID, OCU,
Coimbatore City,
Cr.No.1/2009.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.83 of 2010 on the file of the learned Chief Judicial Magistrate, Coimbatore.

For Petitioner ... Dr.Saravanan Karuppasaamy
Party-in-Person

For Respondent ... Mr.S.Vinoth Kumar
(Government Advocate (Crl. side))

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Crl.O.P.No. 14610 of 2011

Sakthi Prabhavathy
D/o.Sundaram

... Petitioner

versus

The State of Tamil Nadu,
Represented by CBCID, OCU,
Coimbatore City,
Cr.No.1/2009.

.... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.83 of 2010 on the file of the learned Chief Judicial Magistrate, Coimbatore.



For Petitioner ... Mr.R.C.Paul Kanagaraj
For Respondent ... Mr.S.Vinoth Kumar
(Government Advocate (Crl. side))
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Crl.O.P.No.14611 of 2011

Mr. K.Saravanan Karuppasaamy
S/o. Karuppasaamy Nayakka Devar ...Petitioner

versus

The State of Tamil Nadu,
Represented by CBCID, OCU,
Coimbatore City,
Cr.No.191/2009.

.... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.84 of 2010 on the file of the learned Chief Judicial Magistrate, Coimbatore.

For Petitioner ... Dr.Saravanan Karuppasaamy
Party-in-Person

For Respondent ... Mr.S.Vinoth Kumar
(Government Advocate (Crl. side))
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Crl.O.P.No.14612 of 2011

Sakthi Prabhavathy
D/o.Sundaram

... Petitioner/Accused

versus

The State of Tamil Nadu,
Represented by CBCID, OCU,
Coimbatore City,
Cr.No.191/2009.

.... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.84 of 2010 on the file of the learned Chief Judicial Magistrate, Coimbatore.

For Petitioner ... Mr.R.C.Paul Kanagaraj

For Respondent ... Mr.S.Vinoth Kumar
(Government Advocate (Crl. side))
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Crl.O.P.No.13241 of 2017

Dr. Saravanan Karuppasaamy
S/o. Karuppasamy Nayakka Thevar,
Chairman cum Editor-in-Chief,
World Human Rights Commission & Rescue Centre (WHRC),
Akila Ulaga Manitha Urimaikal Padhukappu Aanaiyam (AUMUPA),
No. A-61, Palam Extn, Sector-7, Dwarka, New Delhi-110 077.

... Petitioner

Versus

Tamil Nadu State Human Rights Commission,
Through ITS Secretary,
Thiruvarangam, No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai - 600 028.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to quash the letter/ impugned order dated 11.03.2009 passed by the respondent vide D.O. Lt.No.1014/SHRC/2009 vide which investigation in Crime Case No.191 of 2009 has been transferred from B-4, Race Course Police Station, Coimbatore City to CB-CID and direct the State Human Rights Commission, Tamil Nadu to pay a mandatory compensation of Rs.50,00,000/- (Fifty Lakhs) to the petitioner for being instrumental in the severe harassment and torture handed over to the petitioner by the CB-CID, OCU.

For Petitioner ... Dr.Saravanan Karuppasaamy
Party-in-Person

For Respondent ... Mr.S.Vinoth Kumar
Government Advocate (Crl. side)

C O M M O N O R D E R

Today, when these matter were taken up for hearing, learned Government Advocate (Crl.side) submitted that the prayer in Crl.O.P.No.13241 of 2017 seeking a direction to the State Human Rights Commission, Tamil Nadu to pay a mandatory compensation of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the petitioner for the severe harassment and torture meted out to the petitioner by CBCID, OCU, has indeed become infructuous.

2. In the light of the above submission, Crl.O.P.No.13241 of 2017 is dismissed as infructuous.

3. Crl.O.P.Nos.14609 and 14612 of 2011 have been filed to quash the final report filed by the respondent in C.C.Nos.83 and 84 of 2010. When the petitions were taken up for hearing



today, initially the matter was argued by learned counsel Mr.R.C.Paul Kanagaraj on behalf of party-in-person with instructions. When this Court was about to dismiss the petitions, Dr.Saravanan Karuppasaamy, party-in-person interfered with the proceedings and submitted that he wants to make submissions. In view of the above submission made by party-in-person, learned senior counsel Mr.Paul Kanagaraj submitted that he made submissions only on instructions from the party-in-person and in view of the persistent submissions being made by party-in-person, he wants to withdraw his appearance in Crl.O.P.Nos.13241 of 2017 and Crl.O.P.Nos.14609 and 14612 of 2011.

4. The main contention of the petitioners is that the allegation that they stayed in the Government Guest House has not been established. It is submitted that Human Rights Commission has sent a letter to take action against the petitioners on the false premise and they never stayed in the Government Guest House using the name of State Human Rights Commission. At the outset, I am of the view that whether or not the petitioners have stayed in the capacity of the Secretary of the Human Rights Commission is a matter of evidence and serious allegations have been raised against them particularly the allegation that they have claimed as the Secretary of All India Human Rights Commission, induced various persons and collected amount under the pretext of offering jobs in Human Rights Commission which led to the launching of prosecution against these petitioners. The other contention that the petitioners were given permission by the Government of India for registering as Journalists under the Press and Registration of Books Act, 1867 and only in that capacity they were acting as reporters. It is relevant to note that charge against the petitioners is not that they have acted as reporters, but the allegation unearthed by the Investigation Officer is to the effect that they have created bogus Identity Cards in the name of Secretary of All India Human Rights Commission, induced people and looted money and also misused Identity cards and stayed in the circuit bungalow etc. It is submitted by the petitioners that the Register maintained by the Guest House reflects some other persons name and not the petitioners name, which shows that the petitioners have been falsely implicated.

5. I am unable to persuade myself to such submissions. The very allegation that they have stayed in the Government Guest House claiming themselves as the Secretary of All India Human Rights Commission besides collecting amount from various persons cannot be ruled out and only during investigation, certain materials were unearthed and there is a specific charge against these petitioners that they stayed in the Government Guest House. Whether those are the fabricated documents or not



is a matter of evidence which has to be proved only before the trial Court. Therefore, this Court exercising jurisdiction under Section 482 Cr.P.C cannot conduct a roving enquiry into the validity of those documents. In fact, the petitioner in Crl.O.P.No.13241 of 2017, Crl.O.P.Nos.14609 and 14611 of 2011, who is appearing as party-in-person seeks, to convert this Court into trial Court to look into the validity of the documents. Such exercise is not permissible.

6. Accordingly, Crl.O.P.Nos.14609 to 14612 of 2011 are dismissed. The trial Court is directed to expedite the trial and dispose of the case in accordance with law. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

1. The Chief Judicial Magistrate
Coimbatore
2. The Tamil Nadu State Human Rights Commission,
Through ITS Secretary,
Thiruvarangam, No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai - 600 028
3. The CBCID, OCU,
Coimbatore City,
4. The Public Prosecutor,
Madras High Court, Chennai.

+10cc to Mr.Dr.S.K. Samy, Advocate,
S.R.No.4569,4570,4571,4572,4573

Crl. O.P. Nos.14609 to 14612 of 2011
and
Crl.O.P.No.13241 of 2017

MT (CO)
CT 25/02/2021