



Crl.O.P.No.26258 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM:

**THE HONOURABLE MS JUSTICE R.N.MANJULA**

Crl.O.P.No.26258 of 2022 and  
Crl.M.P.No.16158 of 2022

Sribathy

... Petitioner

Vs.

1. The Deputy Superintendent of Police,  
Cheyyar Sub Division,  
Cheyyar,  
Tiruvannamalai District.

2. The Inspector of Police,  
Anakkavoor Police Station,  
Anakkavoor,  
Cheyyar Taluk,  
Tiruvannamalai District.

3. Savitha

... Respondents

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in Spl.S.C.No.19 of 2022, pending on the file of the Special Court for S.C.& S.T. Act, Tiruvannamalai and quash the same.

For petitioner : Mr.B.Jawahar

For Respondents 1 & 2 : Mr.E.Rajthilak,  
Additional Public Prosecutor



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**ORDER**

This Criminal Original Petition has been preferred to quash the proceedings in Spl.S.C.No.19 of 2022, pending on the file of the Special Court for S.C.& S.T. Act, Tiruvannamalai.

2. On the complaint given by the 3<sup>rd</sup> respondent/defacto complainant on 08.01.2022 on the allegation that she was being harassed by the petitioner continuously, a case has been registered for the offence under Section 509 of I.P.C., and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. After completing investigation, charge sheet has also been filed and the case has been taken on file in Spl.S.C No.19 of 2022. Against the said order proceedings, the Criminal Original Petition has been filed by the petitioner.

3. Heard Mr.B.Jawahar, learned counsel for the petitioner and Mr.E.Rajthilak, learned Additional Public Prosecutor appearing for the Respondents 1 and 2.

4. The learned counsel for the petitioner would submit that the 3<sup>rd</sup>



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respondent is working as a Taluk Sub Inspector (Revenue) at Cheyyar Taluk, between the period 04.10.2017 and 10.08.2021; during that period, the petitioner has filed an online petition to rectify the extent in Survey No.87/9A situated in Erumaivetti Kulamanthai Village; on the said application, the Firka Surveyor conducted an Inspection and submitted a report to the Senior Draftsman and the same was also sent to the Taluk Deputy Inspector; however, the said report was not brought to the knowledge of the 3<sup>rd</sup> respondent; in this circumstance, the petitioner filed a representation by way of a compliant against the 3<sup>rd</sup> respondent by alleging that she has not acted upon the reports and dispose the petition filed by the petitioner. Hence a complaint has been made by the 3<sup>rd</sup> respondent to the Inspector of Police, Anakkavur Police Station, Cheyyar Taluk, against the petitioner, alleging that the petitioner is continuously harassing her in view of her community; based on which, a case has been registered for the offence under Section 509 of I.P.C., and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

5. According to the petitioner, he has not stated anything in his



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representation sent to the higher officials by degrading the personal status of the 3<sup>rd</sup> respondent, as alleged in her complaint; since the case has been filed against the petitioner without any materials records, it should be quashed.

6. The learned Additional Public Prosecutor attracted the attention of the Court to the statement of the defacto complainant, wherein she has stated about the way in which she was harassed by the petitioner. It is also stated in the complaint that the 3<sup>rd</sup> respondent belongs to Scheduled Caste community and she was constantly facing troubles due to the number of petitions sent to her higher authorities by marking copies to her.

7. On perusal of the records, it is seen that the petitioner was sending petition after petition to the higher authorities of the 3<sup>rd</sup> respondent, by making allegations affecting her dignity and modesty. In the complaint, she has stated that she is a single mother living with her daughter and due to the harassment given by the petitioner, she was even driven to the high mental stress. Since sufficient materials are available to subject the petitioner for trial, I do not feel it is an appropriate case to be quashed.



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**WEB COPY** 8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

**01.11.2022**

vum

Index:yes/No

Speaking order / Non speaking order



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**R.N.MANJULA,J.**

vum

To:

1. The Deputy Superintendent of Police,  
Cheyyar Sub Division,  
Cheyyar,  
Tiruvannamalai District.
2. The Inspector of Police,  
Anakkavoor Police Station,  
Anakkavoor,  
Cheyyar Taluk,  
Tiruvannamalai District.
3. The Public Prosecutor,  
Madras High Court,  
Chennai.

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