



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.28552 OF 2017

AND

CRL.M.P.NOS.16190 OF 2017 & 4471 OF 2018

1. M.Ratnakumari
W/o.V.Ratnam
2. V.Ratnam
S/o.Vellaisamy

... Petitioners

Vs.

1. State represented by
The Station House Officer,
PCR Cell, Puducherry.
(Crime No.85/2017)
2. M.Krishnamurthy
S/o.Muthaiyan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the Impugned First Information Report in Cr. No.5 of 2017 on the file of the Station House Officer, PCR Cell, Puducherry and quash the same.

For Petitioner : Mr.T.Kishorekumar

For R-1 : Mr.V.Balamurugane
Addl. Public Prosecutor (Pondy)

For R-2 : Mr.J.Srinivasamohan

ORDER

This Criminal Original Petition has been filed to quash the F.I.R. filed for the offences under Sections 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 r/w 34 I.P.C.



2. The main contention of the learned counsel appearing for petitioner is that the complaint has been filed after 10 years from the date of alleged abuse and humiliation said to have been caused by the present petitioner. Hence, it is his contention that even the legal department has given opinion in the month of September 2017, to that effect, no offence has been made out. Therefore, registering the F.I.R. during December 2017 is motivated and there is no such occurrence taken place.

3. Heard submissions of both the learned counsel appearing for petitioner and respondent and perused the records.

4. It is to be noted that the allegation in the F.I.R. indicates that from the year 2013 onwards, when the de-facto complainant holding the post of Assistant Director started ill-treating and humiliating him on the caste name. Further, it shows that such act has been caused only due to the caste of the defacto complainant. Whether or not, such occurrence took place and the defacto complainant was subject to humiliation on the basis of the caste or not to be probed. Only in the investigation, same can be unearthed. When the F.I.R. indicates that there is prima facie material for further investigation, at this stage, F.I.R. cannot be quashed. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpp/gd

To

1. The Station House Officer,
PCR Cell, Puducherry.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Premkumar, Advocate, S.R.No.111

+1cc to Mr.J.Srinivasa Mohan, Advocate, S.R.No.607

Cr1.O.P. No.28552 of 2017

UM(CO)
RLP(27/01/2022)