



CrI.O.P.No.31705 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.31705 of 2022

and

CrI.M.P.No.19407 of 2022

1.Srinivasan

2. Dhivya Srinivasan

... Petitioners

Vs.

1. The State rep by

The Assistant Commissioner of Police,
(South Zone) R.S.Puram,
Coimbatore District.

2. The Inspector of Police,

R.S.Puram Police Station,
Coimbatore District.
Crime No.360 of 2022

2. Sathish

.. Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records relating to the First Information Report in Crime No.360 of 2022 on the file of the 2nd respondent and quash the same.

For Petitioners : M/s.L.Mouli

For R1 & R2 : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed to call for the entire records relating to the First Information Report in Crime No.360 of 2022 on the file of the 2nd respondent and quash the same.

2. The learned counsel for the petitioners submitted that the allegations as against the petitioners will not fall under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, he prays for quashment of FIR in Crime No.360 of 2022.

3. Per contra, the learned Government Advocate (Crl. Side) submitted that the defacto complainant married the sister of the 1st petitioner. The defacto complainant belongs to Scheduled Caste and the 1st petitioner's sister/ Gayathri belongs to Telugu Devanga Chettiyar and they both fell in love with each other and got married on 22.12.2010. Initially, their marriage was not accepted by Gayathri's parents, however, after a period of three months, her parent's accepted their marriage. However the petitioners herein have not accepted their marriage and they made casteist remarks against the defacto complainant. Therefore, he prays for dismissal of the petition.



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4. Considered the rival submissions and perused records. It is seen that the defacto complainant belongs to Scheduled Caste and the petitioner belongs to Telugu Devanga Chettiyar Community. The defacto complainant/Sathish and the said Gayathri got married on 22.10.2010 is not in dispute. Even in the FIR, it is stated that the Gayathri's Parents accepted the marriage, but the petitioners had always indulged in making casteist remarks against the defacto complainant. The FIR allegations shows that the petitioner and his wife scolded the defacto complainant on 25.10.2011, 10.05.2017, 19.06.2021, 01.06.2022 and on 07.07.2022 with casteist remarks. The incidents that had happened on 25.10.2011, 10.05.2017 and 07.07.2022 are happened in the house. However, the incidents which have happened on 19.06.2021 and 01.06.2022 had happened within the public view.

5. It is alleged that, on 19.06.2021 at about 02.00.p.m., on the complaint given by the petitioners, corporation authorites along with the Police visited the construction site and dircted the defacto complainant to stop the construction. At that time, it is alleged that the petitioner/Srinivasan scolded the defacto complainant with casteist remarks. On 01.06.2022, at about 11.00.a.m., when



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the defacto complainant along with his wife went to one Jayakumar's marriage at Sanmarka Sanga Mandapam at Devangapalli Street., the petitioner/Srinivasan scolded the defacto complainant in filthy casteist language in front of the entrance of the mandapam.

6. Therefore, the claim made by the learned counsel for the petitioner that the abuse of the defacto complainant by caste name had not taken place within the public view is not true. Hence, this Court finds that there are prima facie materials for registering the case under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989 against the petitioner and therefore this Court is not inclined to quash the proceedings in Cr.No.360 of 2022.

7. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.

22.12.2022

Sma

Index: Yes/No

Speaking/Non speaking order



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To
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1. The Assistant Commissioner of Police,
(South Zone) R.S.Puram,
Coimbatore District.
2. The Inspector of Police,
R.S.Puram Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

Sma

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