



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD).No.3869 of 2021

and

Crl.M.P(MD)Nos.2146 and 2149 of 2021

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1.Chezhiyan

2.Anbuchelvan

...Petitioners/
Accused Nos 2&3

Vs.

1.The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.

2.State represented by
The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.
(Crime No.6 of 2020)

3.Rohini

...3rd Respondents/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the final report in S.S.C.No.40/2020, on the file of the I Additional District and Sessions Judge (PCR) Thanjavur and quash the same as against the petitioners.

For Petitioners : Mr.S.Deenadhayalan

For R1 and R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The criminal original petition has been filed seeking to quash the proceedings S.S.C.No.40/2020, on the file of the I Additional District and Sessions Judge (PCR) Thanjavur.

2.There are totally four accused persons, in which, the petitioners are arrayed as A2 and A3. The first accused fell in love with the defacto complainant and after having physical



relationship, the first accused refused to marry her for the reason that she belongs to Scheduled Caste Community. As far as the petitioners are concerned, they helped the first accused to abscond from their residence. Therefore, the petitioners and the fourth accused are charged for the offence under Section 109 IPC.

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3. On perusal of the statement recorded under Section 161(1) of Cr.P.C., the first accused fell in love with her and assured that he will marry her. On the pretext of the promised, they had physical relationship and they lived as husband and wife. Thereafter, he refused to marry her for the reason that she belongs to Scheduled Caste Community. Except these averments no other specific averment made as against the petitioners. Except the above statement no word has been spoken about the petitioners to attract the offence under Section 109 IPC. Insofar as other offences are concerned, namely the offence under Sections 417 and 493 IPC and Section 3(1) (w) (i) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015 cannot be attracted as against the petitioners since they are being the Scheduled Caste Community people and therefore, no offence is made under the SC/ST Act. Further, there is no question of abetment is not at all made as against the petitioners since they are not even closely related to the first accused. Since they are being the village people, they have been falsely implicated as accused persons.

4. In view of the above, the charge under Section 109 IPC is not at all attracted as against the petitioners and as such, it cannot be sustained as against the petitioners. Therefore, the entire proceedings in S.S.C.No.40 of 2020 is quashed as against the petitioners alone. The criminal original petition is allowed. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar (CS)

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To

1. The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.

2. State represented by
The Inspector of Police,
All Women Police Station,
Pattukkottai,
Thanjavur District.

<https://hcservices.gov.in/hcservices>



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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RK(25/05/2022) 3P 4C