



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.14714 of 2021 and

CRL.M.P.(MD)Nos.7774 & 7775 of 2021

WEB COPY

M.Vinoth @ Vigneshkumar ... Petitioner / Accused No.2

Vs.

1. The Deputy Superintendent of Police,
Sivagangai Circle,
Sivagangai. ... 1st Respondent

2. The Inspector of Police,
Kalayarkovil police station,
Sivagangai, Sivagangai District.
(Crime No.384 of 2019) ... 2nd Respondent /Complainant

3. Rajamanickam ... 3rd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned order in Spl.S.C.No.47 of 2020 on the file of the Special Court of Trial Cases under SC/ST(POA) Act, 1989, Sivagangai and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.S.Ramsundarvijayraj

For R-1 & R-2 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side).

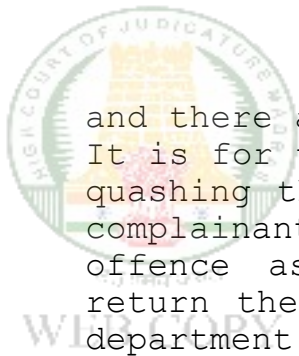
For R-3 : Mr.K.Sharan

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the official respondents and the learned counsel appearing for the defacto complainant.

2. The petitioner is figuring as the second accused in Spl.S.C.No.47 of 2020 on the file of the Special Court (Trial of Cases under SC/ST(POA) Act, 1989), Sivagangai. It is seen that the primary allegations have been made only against the first accused



and there are no specific allegations against the petitioner herein. It is for this reason, the petitioner has come before this Court for quashing the proceedings in so far as he is concerned. The defacto complainant also states that the petitioner did not commit any offence as alleged. The defacto complainant also undertakes to return the amount of Rs.50,000/- received as compensation from the department. The said undertaking is recorded. Such amount will be returned to the department within a period of four weeks from the date of receipt of a copy of this order.

3. The department concerned is also directed to accept the same. Since there are no legal and acceptable materials to fasten penal liability on the petitioner herein, the impugned proceedings are quashed as far as the petitioner is concerned. The prosecution will go on against the other accused.

4. This criminal original petition is allowed on these terms. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

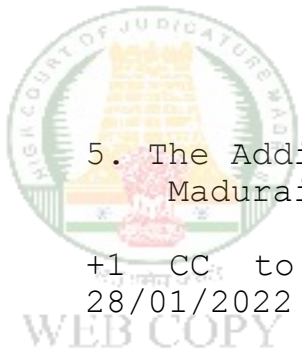
PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Judge,
Special Court of Trial Cases
under SC/ST(POA) Act, 1989, Sivagangai.
2. The Deputy Superintendent of Police,
Sivagangai Circle,
Sivagangai.
3. The Inspector of Police,
Kalayarkovil police station,
Sivagangai, Sivagangai District.
- 4.The District Collector,
Sivagangai District, Sivagangai.

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



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

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-2983[F] dated
28/01/2022)

CrI.O.P. (MD) No.14714 of 2021
28.01.2022

_RD(28.02.2022) 3P 7C