

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of September Two Thousand and
Twenty Two

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) No.16665 of 2022

ABDULLA ... PETITIONER/ SOLE ACCUSED

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAPPARAI, TRICHY DISTRICT.

2 THE INSPECTOR OF POLICE
PUTHANATHAM POLICE STATION,
TRICHY DISTRICT
(CRIME NO. 70 OF 2022)

...RESPONDENTS/COMPLAINANTS

3 MUTHUKARUPPAN ... 3rd RESPONDENT/ DEFACTO COMPLAINANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to call for the records pertaining to FIR in Crime No. 70 of 2022 dated. 19.05.2022 on the file of the 2nd Respondent police and quash the same as illegal as far as against this petitioner concerned.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.A.JOEL PAUL ANTONY, Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondents 1 and 2, the court made the following order:-

In continuation and continuation with the earlier order passed by this Court on 19.09.2022, the following order is passed. The earlier order is hereunder:-

"The learned Counsel for the Petitioner submit that the Petitioner herein abused the defacto complainant using the caste name. He would further submit that the First Information Report is the abuse of process of law. He would also submit that the to attract the offence under Section SC/ST(POA) Act, the offence should have been committed in the public place, whereas in the present case, the occurrence said to have taken place in the

agricultural land of the Petitioner. Further there is no witness to the said occurrence. He would also submit that due to previous enmity a false case has been foisted against him. The Petitioner is the President of Farmers Association, the defacto complainant who is not the Member of the Society has sent several allegation petitions to various department against the Petitioner and the function of the Society.

2. The learned Additional Public Prosecutor vehemently objected to quash the First Information Report stating that the First Information Report is of the year 2022. The Petitioner is in the habit of sending petitions against the Government Officials of various Departments and at the same time seeking money from them(rowdy mamool). He seeks time to get instructions with regard to the same.

3.At request of the learned Additional Public Prosecutor call on 22.09.2022."

2.On request of the learned Additional Government Pleader, the matter was listed today, 22.09.2022.

3.Today, 22.09.2022, when the case came up for hearing, the learned Additional Public Prosecutor for the Respondents 1 and 2, on instructions, submits that the Petitioner is a History Sheeter and History Sheet had been maintained against him. The case had been registered recently, based on the complaint invoking the offences under SC/ST (POA) Act. He would further submit that without hearing the defacto complainant, this Court cannot invoke the extraordinary powers under Section 482 of the Code of Criminal Procedure to quash the FIR/charge sheet.

4.Further, the learned Additional Public Prosecutor submits that as per the instructions from the police Officials, the Petitioner is in the habit of sending Petitions against the Government Officials seeking "rowdy mamool" from them. Therefore, rowdy sheet had been opened against him. Also, in the past, this Court had imposed cost on him for filing a frivolous petition.

5.By way of rejoinder, the learned Counsel for the Petitioner would submit that the Petitioner had lodged the complaint against the illegal activities of the Government servants, based on which FIR had been registered against various Officials in the Government Departments under the Vigilance and Anti Corruption Cases. Also, several Writ Petitions were filed, based on which, a Noon Meal Organizer had been removed from service.

6.The learned Counsel for the Petitioner filed W.P.(MD) No.14197 of 2014, based on which the District Collector, Trichy had

initiated disciplinary proceedings against the a Noon Meal Organizer and after due enquiry, he was removed from service. A copy of the same is enclosed in the typed set of papers furnished along with the Petition.

7.Also, the learned Counsel for the Petitioner invited the attention of this Court that he had obtained RTI reply regarding pending cases against him, in which the FIRs, which are alleged to have been registered against the Petitioner, have been closed as mistake of fact and also one FIR was quashed by the learned single Judge of this Court in Crl.O.P.(MD) No.3079 of 2017 dated 08.12.2020. Further, the learned Counsel for the Petitioner submits that on the earlier occasion, this Court had directed the State Officials to protect the life and limb of the Petitioner in Crl.O.P. (MD) No.21157 of 2014, vide order dated 27.11.2014.

8.Considering the submission of the learned Counsel for the Petitioner and the reply by the learned Additional Public Prosecutor, issue notice to the third Respondent returnable by 17.10.2022. Private notice is also permitted. The Investigation Officer can proceed with the investigation, but he is directed not to file the final report before the Court concerned, till the disposal of this Petition.

sd/-

22/09/2022

/ TRUE COPY /

/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAPPARAI, TRICHY DISTRICT.
- 2 THE INSPECTOR OF POLICE
PUTHANATHAM POLICE STATION,
TRICHY DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16665 of 2022

Date :22/09/2022

PKP/GB/SAR-2/12.10.2022/3P/4C