



Crl.O.P.No.2595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2595 of 2023

and

Crl.M.P.No.1461 of 2023

M.Jayasankar

..Petitioner

Vs.

1.The Deputy Superintendent of Police,
Polur Sub Division,
Polur, Polur Taluk,
Thiruvannamalai District.

2.The Inspector of Police,
Polur Police Station,
Polur, Polur Taluk,
Thiruvannamalai District.

3.G.Chandrasekaran

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C to call for records pertaining to the First Information Report vide Crime No.33 of 2023 on the file of the respondents 1 and 2 pending investigation and quash the same as against the petitioner in so far as the offences under sections 3 (1) (r), 3 (1) (s) and 3 (2) (v) of the S.C. and S.T (Prevention of Atrocities) Act.



CrI.O.P.No.2595 of 2023

For Petitioner : Dr.Ravichandran for Mr.S.B.Viswanathan

For R-1 & 2 : Mr.S.Santhosh
Government Advocate (CrI. Side)

For R3 : Mr.R.Prabudoss

ORDER

This Criminal Original Petition has been filed to call for records pertaining to the First Information Report vide Crime No.33 of 2023 on the file of the respondents 1 and 2 pending investigation and quash the same as against the petitioner in so far as the offences under Sections 3 (1) (r), 3 (1) (s) and 3 (2) (v) of the S.C. and S.T (Prevention of Atrocities) Act.

2. Mr.R.Prabudoss, learned counsel appeared for the 3rd respondent.

3. Heard the learned counsel for the parties and perused the records.

4. This petition is filed for quashing of the First Information Report in Crime No.33 of 2023 registered against the petitioner under Sections 3 (1) (r), 3 (1) (s) and 3 (2) (v) of the SC and ST (Prevention of Atrocities) Act, for the reason that petitioner himself belongs to Scheduled Caste community.



WEB COPY



CrI.O.P.No.2595 of 2023

5. When the matter was taken up on 06.02.2023, petitioner filed copy of his Community Certificate in support of his submission that he belongs to Scheduled caste community. This court directed the respondent to conduct an enquiry with regard to genuineness of the Community Certificate produced by the petitioner. After verification, it was reported by learned Government Advocate (Criminal side) on 03.03.2023 that, petitioner's Community Certificate is genuine and he belongs to Scheduled Caste community. When the petitioner himself belongs to Scheduled Caste Community, there is no doubt that registration of First Information Report against the petitioner for the offences under Sections 3 (1) (r), 3 (1) (s) and 3 (2) (v) of the SC and ST (Prevention of Atrocities) Act cannot be maintained under law.

6. In view of the matter, registration of First Information Report vide Crime No.33 of 2023 on the file of the respondents 1 and 2 against the petitioner for the offences under Sections 3 (1) (r), 3 (1) (s) and 3 (2) (v) of the SC and ST (Prevention of Atrocities) Act is alone quashed, leaving other offences to be investigated by the respondent police and respondent police is



CrI.O.P.No.2595 of 2023

directed to file final report, as expeditiously as possible. Consequently, the connected Miscellaneous Petition is closed. Accordingly, this Criminal Original Petition is disposed.

09.03.2023

Index : Yes / No
Internet : Yes / No
gd

To

- 1.The Deputy Superintendent of Police,
Polur Sub Division,
Polur, Polur Taluk,
Thiruvannamalai District.
- 2.The Inspector of Police,
Polur Police Station,
Polur, Polur Taluk,
Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2595 of 2023

G.CHANDRASEKHARAN,J.

gd

Crl.O.P.No.2595 of 2023

09.03.2023