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*Crl.O.P.No.5119 of 2021
and CRL.MP.Nos.3263 & 3264 of 2021*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM:

THE HON'BLE Mr. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5119 of 2021
and
CRL.MP.Nos.3263 & 3264 of 2021

Kumaran

... Petitioner

-Versus-

1. The State Rep. By the
Deputy Superintendent of Police,
Katpadi, Vellore District.

2. Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pending on the file of the learned Special Court for SC/ST Court, Vellore, Vellore District in Spl.S.C.No.72 of 2020 and quash the Criminal proceeding.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.S.Balaji
Government Advocate (Crl.Side) for R1
R2-Notice served-No Appearance



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ORDER

The petition has been filed to quash the final report filed under Sections 147, 148, 294(b), 323, 324, 307 of IPC read with Section 3(1)(r) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 and Section 3(1)(s) of The Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. It is alleged that the accused armed with weapons, abused and attacked the *de facto* complainant and others.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and his name was not found in the FIR. The learned counsel further submitted that there is no specific allegation against the petitioner. Further, there is contradiction in the statements of the witnesses recorded by the police.

4. This Court is of the view that the points raised by the petitioner are factual in nature and has to be adjudicated only in the trial. Hence, this Court is not inclined to entertain this quash petition. However, the appearance of the petitioner before the trial Court is dispensed with unless the Trial Court deems his appearance necessary for the progress of the trial.



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5. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petitions are closed.

23.03.2023

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation Case: Yes/No
kmi

To

1. The Judge,
Special Court for SC/ST Cases,
Vellore, Vellore District.
2. The Deputy Superintendent of Police,
Katpadi, Vellore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.



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SUNDER MOHAN, J.

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