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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.13756 of 2022
and Crl.M.P Nos.7406 & 7408 of 2022

S.Geetha

Petitioner

VS.

1.The State rep. by its
Deputy Superintendent of Police,
Palladam,
Tiruppur.

2.The State rep. by its
Inspector of Police,
Mangalam Police Station,
Tiruppur District.

3.Saravanakumar

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Spl.S.C.No.10 of 2022 on the file of Principal Sessions Judge, Tiruppur and to quash the same.

For Petitioner : Mr.S.Prabhakaran
Senior Counsel for
Mr.MA.Gouthaman

For Respondents : Mr.A.Gopinath
Government Advocate for R1 & R2

No Appearance for R3



ORDER

This criminal original petition has been filed seeking to quash the final report in Spl.S.C.No.10 of 2022, pending on the file of the Principal Sessions Judge, Tiruppur.

2.The 3rd respondent, namely Saravanakumar, based on the news item that was telecast in the television on 07.12.2021 and after reading the newspapers, gave a complaint to the Inspector of Police, Mangalam Police Station on 24.12.2021 to the effect that the petitioner who was working as a Headmistress of the Government High School had forced the School children belonging to the SC/ST community to clean the toilets and had also used abusive words against them. Based on this complaint, an FIR came to be registered in Crime No.649 of 2021 by the 2nd respondent.

3.The investigation was taken up by the Deputy Superintendent of Police and on completion of the investigation, a final report was filed before the Special Court, namely the Principal Sessions Court, Tiruppur and the same has been taken on file in Spl.S.C.No.10 of 2022 for offence under Section 3(1)(r) and Section 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. (hereinafter referred to as 'the Act'). Aggrieved by the same, the present criminal original petition has been filed before this Court.



4. Heard Mr.S.Prabhakaran, learned Senior Counsel appearing on behalf of the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl. Side) appearing on behalf of the respondents 1 and 2. The 3rd respondent who gave the complaint has been served with notice and his name has also been printed in the cause list and he did not appear either in person or through counsel.

5. This Court has carefully considered the submissions made on either side and also the materials available on record.

6. The statements under Section 161(3) Cr.P.C. recorded from the 3rd respondent shows that he was not even aware about the petitioner or the School in which she was working as a. Headmistress and he had lodged the complaint relying upon something which was said in the media. He says in his statement under Section 161(3) Cr.P.C. that he is not aware as to whether the petitioner had abused the children by using their caste name.

7. The evidence of the children who were examined as LW2 and LW3 clearly shows that the petitioner never abused them using the caste name and that they had given a complaint against the petitioner only due to the pressure exerted by a physical training teacher named Selvakumar. These children further have stated that the petitioner was always insisting that the children must study well and must behave



properly and she was a strict teacher.

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8.The statement that was recorded from the Chief Educational Officer also shows that an independent enquiry was conducted and it was found that the physical training teacher had an axe to grind against the petitioner and therefore, he pressurized the children to give a complaint against the petitioner. That apart, even on the enquiry conducted by the Education Department, it was ascertained that a false complaint has been given against the petitioner. The concerned officer has further stated that the petitioner has not abused any child using their caste name and the entire complaint was given because of the instigation of the teacher Selvakumar.

9.It is quite apparent from the materials placed on record that a false case has been foisted against the petitioner and unfortunately, she was made to undergo mental agony for no fault of hers. The respondent police in spite of collecting the materials during the course of investigation which clearly shows that no offence has been made against the petitioner, proceeded to file a final report and the Court below has also mechanically taken cognizance of the final report. No offence has been made out against the petitioner either under Section 3(1)(r) or 3(1)(s) of the Act, since the petitioner has neither insulted nor intimidated with a intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe community nor has abused them by caste name. The continuance of the criminal proceedings against the petitioner



will only result in abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

10. In the light of the above discussion, the proceedings in Spl.S.C.No.10 of 2022, pending on the file of the Principal Sessions Judge, Tiruppur, is hereby quashed.

11. Accordingly, this criminal original petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

13.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

To

1. The Principal Sessions Judge, Tiruppur.
2. The Deputy Superintendent of Police,
Palladam,
Tiruppur.



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N. ANAND VENKATESH,. J.

SSR

- 3.The Inspector of Police,
Mangalam Police Station,
Tiruppur District.
2. The Public Prosecutor,
High Court of Madras, Madras.

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