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Crl.O.P No.17964 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17964 of 2023

and

Crl.M.P.No.11873 of 2023

A.Suresh Kumar alias Kutty,
S/o. C.Anandan

... Petitioner

VS.

1. State : Rep. by
Assistant Commissioner of Police,
Kilpauk,
Chennai – 600 010.

2. The Inspector of Police,
All Women Police Station,
Kilpauk, Chennai – 600 010.

3. Pooja,
D/o.Vijayan,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records of the complaint dated 31.01.2023 made in Crime No.02/2023 on the file of second respondent police and quash the same.

For Petitioner : Ms. V.Tamilselvi

For Respondents : Mr. A.Damodaran

Additional Public Prosecutor [R1 & R2]



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ORDER

Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice for respondents 1 and 2.

2. This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.02 of 2023 on the file of second respondent.

3. The case of the prosecution is that the third respondent had a relationship with one Ashwin (A1) and ultimately the said Ashwin started avoiding the third respondent and was not marrying her in spite of having physical intercourse with the third respondent. On one occasion, he had also beaten the third respondent, which resulted in the third respondent sustaining head injuries. The petitioner (A2) has been roped in on the ground that he supported A1 and had informed the third respondent that she belongs to Scheduled Caste community and hence, A1 will not marry her. The First Information Report was registered as against three named accused persons for offences u/s.417 and 506(i) IPC, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1)(xi) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.



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4. Heard Ms.V.Tamilselvi, learned counsel for petitioner and Mr. A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 and 2.

5. Learned Additional Public Prosecutor submitted that investigation is almost complete and that a final report will be filed within a short time.

6. Learned counsel for petitioner submitted that the petitioner belongs to Scheduled Caste community and to substantiate the same, the community certificate that was granted in favour of the petitioner was also produced before this Court. In view of the same, it was contended that the petitioner could not have abused the third respondent with her caste name and in any case, the petitioner cannot be prosecuted for the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7. In the considered view of this Court, the case is now at the stage of completion of investigation and filing of final report. The second respondent is directed to take into consideration the stand taken by the petitioner and also the community certificate belonging to the petitioner. If ultimately the offence is not made out as against the petitioner, his name shall be dropped from the final



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report and the final report shall be filed as against the accused persons against whom the offence has been made out.

This Criminal Original Petition is disposed of with a direction to the second respondent to file the final report before the concerned jurisdictional Court in Crime No.2 of 2023 within a period of eight (8) weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

11.08.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
gm

To

1. The Assistant Commissioner of Police,
Kilpauk, Chennai – 600 010.
2. The Inspector of Police,
All Women Police Station,
Kilpauk, Chennai – 600 010.
3. The Public Prosecutor,
High Court, Madras.

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