



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23525 of 2023
and Crl.M.P. Nos.16394 & 16395 of 2023

- 1.A.Rasu Gounder
- 2.Sindhu Babu
- 3.Malathi
- 4.Karthi
- 5.Vijaya Prabakaran
- 6.Santhosh
- 7.Appu
- 8.Nandhakumar
- 9.Sekar
- 10.Sivalingam
- 11.Sathish Kumar
- 12.Kuamaravadivel
- 13.Sabari
- 14.Kutti

... Petitioners

-VS-

- 1.The Deputy Superintendent of Police,
Kottur Police Station, Pollachi,
Coimbatore.
- 2.The Sub Inspector of Police,
Kottur Police Station, Pollachi,
Coimbatore.
- 3.Aravindh

...Respondents



PRAYER : Criminal Original Petition has been filed under Section 407 of Criminal Procedure Code, to call for the records in Spl.SC. No.16 of 2022 on the file of the Principal Sessions Court, Coimbatore and quash the same.

For Petitioner : Mr.K.Mayilsamy

For Respondents 1 & 2 :Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl.Side)

ORDER

On 24.02.2022, dispute between two groups has led to registration of FIR Nos.100 of 2022 and 97 of 2022 by Kottur Police, Coimbatore District. The petitioners 1 to 3 herein are shown as the named accused in Crime No.97 of 2022, alleging that the defacto complainant and his party men are the aggressors. The Police has registered the complaint not only for offence under IPC but also under the provisions of SC/ST Act, as if the defacto complainant belongs to the member of Schedule Caste. The final report filed for offence under SC/ST Act been taken cognizance by the Special Court and assigned Spl.S.C. No.16 of 2022.

2. The learned counsel appearing for the petitioner referring the statement of the Tahsildar, Anaimalai Taluk, certifying that the complainant Aravind S/o.Somu belongs to Christian Chakkiliyan community, which falls under the Backward Caste (BC).



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3. Considering the facts, the prosecution under SC/ST Act does not attract, if the certificate of the Tahsildar is correct. This Court is of the view that the petitioners and others who are accused in Spl.S.C. No.16 of 2022 cannot be charged for offences under SC/ST Act and therefore, the Court shall take note of this fact, delete the offences under SC/ST Act and proceed against the accused for the alleged offences under IPC. Since there is counter case also been investigated and final report filed, the learned Chief Judicial Magistrate shall take appropriate decision that whether both case and case in counter be tried together by the same learned Judicial Magistrate and proceed in accordance with law.

4. With this observations, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

12.12.2023

Index :Yes
Neutral Citation :Yes/No.
Speaking order/Non-speaking order
rkp



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Crl.O.P.No.23525 of 2023



Dr.G.JAYACHANDRAN,J.

rkp

To

1. The Principal Sessions Court,
Coimbatore.
2. The Deputy Superintendent of Police,
Kottur Police Station, Pollachi,
Coimbatore.
3. The Sub Inspector of Police,
Kottur Police Station, Pollachi,
Coimbatore.
4. The Public Prosecutor,
Madras High Court,
Madras.

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12.12.2023