



Crl.O.P.No.33348 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.33348 of 2019

and

Crl.M.P.Nos.18462 & 18463 of 2019

- 1.Lingadhurai
- 2.Rajkumar
- 3.Ravi @ Ravikumar

...Petitioners

-Vs-

- 1.Deputy Superintendent of Police,
Auroville, Villupuram.

- 2.Inspector of Police,
Auroville, Villupuram.

- 3.Manivannan

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records relating to the proceedings in S.C.No.71 of 2019 on the file of the Special Court of Communal Violence, Villupuram and to quash the same.



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For Petitioner	: Mr.A.Selvendran
For R1 & R2	: Mr.A.Damodaran, Additional Public Prosecutor
For R3	: No appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.71 of 2019 on the file of the Special Court of Communal Violence, Villupuram, filed for the offence under Sections 406, 420, 506(i) of IPC and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2.The learned counsel for the petitioner would submit that the entire allegations are false. The alleged occurrence took place on 09.04.2017 and the complaint was lodged on 20.12.2017. The very fact that the complaint was belated by itself would show that the complaint is false. The learned counsel would further submit that the de-facto



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complainant was examined as PW-1 and he had turned hostile. Besides that there is no other evidence in the impugned final report and prayed for quashing of the final report.

3.The learned Additional Public Prosecutor submitted that two witnesses have been examined on the side of the prosecution and the trial has been commenced. Hence, he prayed for dismissal of the quash petition.

4.This Court on reading of the impugned final report and the submissions made by either side finds that, two witnesses had already been examined. Since the trial has commenced, this Court is of the view that it is desirable to allow the trial proceedings to go on.

5.In view of the above, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.



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6.The trial Court may conclude the trial in S.C.No.71 of 2019

expeditiously and conclude it preferably within a period of six months from the date of receipt of a copy of this order, without being influenced by any of the observations made in this order.

31.03.2023

smv

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

To,

- 1.Deputy Superintendent of Police,
Auroville, Villupuram.
- 2.Inspector of Police,
Auroville, Villupuram.
- 3.The Public Prosecutor,
Madras High Court.
- 4.The Special Court for Communal Violence,
Villupuram.



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SUNDER MOHAN,J.
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