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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20/06/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.6457 of 2023
and
Cr1.MP(MD)No.5657 of 2023

V.Udhaikumar : Petitioner/Sole Accused

Vs.

State rep. by

1.The Deputy superintendent of Police,
Paramakudi Town,
Ramanathapuram District. : R1/Complainant

2.S.Kamaraju : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Special SC No.13 of 2020 on the file of the Special Court for SC/St (POA) Act cases, Ramanathapuram and quash the same and pass such further or other orders.

For Petitioner : Mr.P.Muthusamy

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition has been filed seeking quashment of the case in Special SC No.13 of 2020 on the file of the Special Court for SC/ST (POA) Act cases, Ramanathapuram.

2. The case of the prosecution in brief:-

There was previous enmity between the de-facto complainant and the accused. On 04/02/2017 at about 09.15 pm, the de-facto complainant along with other witness purchasing tiffin in a hotel. After purchasing tiffin, they were returning on the Madurai-Rameshwaram road, at that time, the accused waylaid the de-facto complainant, abused in filthy language by calling her caste name, caused injury with knife on the right palm region. They also caused simple injuries, damaged the Hero Honda Motor Cycle bearing registration No.TN-65-E-3604 worth about Rs.2,000/-. He was also criminally intimidated. Over the above said occurrence, a case in Crime No.62 of 2017 was registered for the offences under sections 324, 427, 506(ii) IPC r/w 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act, 2015. After completing the investigation, final report was filed and it was taken cognizance in Special



SC No.13 of 2020 by the Special Court for SC/ST (POA) Act cases, Ramanathapuram.

3. Seeking quashment of the same, this petition has been filed on the ground that because of the influence made by the second respondent, the above said false case has been registered.

4. Heard both sides.

5. Absolutely, no ground has been made by the petitioner to quash the proceedings. In the grounds, nothing has been stated except that only at the influence of the second respondent herein, who is a practising Advocate, the above said case has been registered.

6. But perusal of the final report shows that damage worth Rs.2,000/- was caused to the two wheeler belongs to the de-facto complainant. Even though, it has been stated in the complaint that he was assaulted with knife and caused simple injuries, the Assistant Surgeon, Paramakudi, who treated the de-facto complainant has also given Wound Certificate. He is also cited as a witness.



The above said Wound Certificate was also attached with the final report, wherein it was found a contusion injury and laceration on the palm region.

7. When sufficient material has been collected during the course of the investigation and *prima facie* case is also available in favour of the prosecution to prosecute the petitioner for the above said offences, I find absolutely no ground worth considering has been made by the petitioner.

8. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

20/06/2023

Index: Yes/No
Internet: Yes/No

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To,

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- 1.The Special Court for SC/ST (POA) Act cases,
Ramanathapuram,
- 2.The Deputy superintendent of Police,
Paramakudi Town,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Cr1.OP(MD) No. 6457 of 2023

20/06/2023