



Crl.O.P(MD).No.12967 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.12967 of 2019

and

Crl.M.P.(MD)Nos.7976 and 7977 of 2019

L.G.Sarath Inigo

...Petitioner

Vs

1.State through

The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli.

(In Crime No.105 of 2019)

2.State through,

The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.Kathiravan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in S.C.No.87 of 2019 on the file of the learned II Additional District Court, Tirunelveli and quash the same.

For Petitioner

: Mr.Veera Associates

For Mr.S.Ramsundar Vijayraj

For Respondents 1 and 2

: Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

For 3rd Respondent

: Mr.P.R.Prithiviraj



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ORDER

WEB COPY This petition is filed to quash charge sheet passed in S.C.No.87 of 2019 on the file of the learned II Additional District Judge, Tirunelveli

2.According to the petitioner, the third respondent gave a complaint before the first respondent and based on the complaint, FIR has been registered in Crime No.105 of 2019 for the offence under Sections 294(b), 506(i) of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Thereafter, the second respondent had investigated the case and filed final report and the same was taken on file as S.C.No.87 of 2019 on the file of the II Additional District Judge, Tirunelveli.

3.According to the prosecution case, the third respondent is a lawyer by profession and belongs to scheduled caste. On 11.02.2019 at about 10.45 a.m., when the third respondent was near III Additional District Court along with his friend one Arockiasamy, the petitioner asked Arockiasamy why he is talking with the third respondent, who is scheduled caste person. When the same was questioned by the third respondent, the petitioner threatened him with dire consequences and again on 25.02.2019 at about 09.30 a.m., when the petitioner was standing near District Sessions Court, the third respondent



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and his friends one Vinoth and Arockiasamy went there and questioned the petitioner. At that time, the petitioner abused the defacto complainant in filthy language and abused him using his community name and threatened to murder by dashing the car. Hence, the third respondent gave a complaint before the first respondent. Thereafter, based on the complaint, the respondents 1 and 2 have not conducted proper investigation and the third respondent is the counsel for one Karthiga who gave complaint against the petitioner and the same was pending before the Judicial Magistrate No.I Court, Tirunelveli. In fact the third respondent only assaulted the petitioner and the petitioner sustained blood injury. Due to injury sustained by the petitioner, the learned II Additional District Judge, Tirunelveli refused to remand the petitioner and directed to produce before the hospital. The petitioner also had given a complaint on 25.02.2019 against the third respondent and the same was not considered and no action was taken. The Investigating Officer investigated the case in biased manner and filed final report. Hence, the charge sheet is liable to be quashed.

4.No counter was filed by the respondents.

5.The learned counsel appearing for the petitioner has argued that the third respondent had given a false complaint before the first respondent and



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the first respondent registered a case in Crime No.105 of 2019 for the offence under Sections 294(b), 506(i) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and thereafter, the second respondent investigated the case and filed final report and the same was taken on file before the II Additional District Judge, Tirunelveli and the Investigating Officer has not investigated the case in proper manner and the third respondent is none other than the counsel for one Karthiga who gave a complaint as against the petitioner previously and the case is still pending in C.C.No.642 of 2019. While so, the third respondent gave a false complaint as against the petitioner. The petitioner also gave a complaint as against the third respondent and another since he was assaulted by the third respondent and the same was not considered. There are no *prima facie* materials available to constitute the offence as alleged in the final report. Thereby, S.C.No.87 of 2019 is liable to be quashed.

6.The learned counsel appearing for the third respondent and learned Government Advocate have contended that based on the complaint given by the third respondent, the first respondent registered a case for the offence under Sections 294(b), 506(i) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and thereafter, the second respondent investigated the case and filed final



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report. Based on the final report, the trial Court had taken cognizance in

S.C.No.87 of 2019 and now the case is pending for trial. Since *prima facie* case is made out as against the petitioner, the case has been charge sheeted and the trial Court has taken cognizance. There is no valid grounds raised by the petitioner to quash the charge sheet and the offences charged against the petitioners are grave in nature. It is the matter of trial to decide the case and this Court need not interfere with the charge sheet filed by the second respondent at this stage. Thereby the petition is liable to be dismissed.

7.Heard both sides and perused the materials available on records.

8.On perusal of the records, they reveal that the third respondent lodged a complaint before the first respondent and a case in Crime No.105 of 2019 for the offence Sections 294(b), 506(i) of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act as against this petitioner. Thereafter, the second respondent investigated the case and filed final report. Based on the final report, the trial Court has taken cognizance in S.C.No.87 of 2019. According to final report, *prima facie* case is made out against the petitioner and thereby, the case was taken on file in S.C.No.87 of 2019. The offence charged against the petitioner are serious in nature. Since there are *prima facie* materials available to



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proceed with the case as against the petitioner at this stage, this Court need not interfere with the final report filed by the second respondent. There is no valid grounds available to quash the above said case. According to the petitioner, he was also assaulted by the third respondent and to the effect he had given complaint before the first respondent, but no action was taken. In this context, the petitioner is at liberty to take appropriate legal action as against the third respondent in accordance with law, if any criminal acts done by the third respondent.

9.In view of the above submissions and considering the gravity of the offence and considering the facts and circumstances of the case, this Court at this stage cannot invoke inherent power under Section 482 of Cr.P.C.

10.In the result, this Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petition are closed.

17.08.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn



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To

- 1.The Judicial Magistrate No.I, Tirunelveli.
- 2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

Mrn

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