



Crl.O.P.No.2719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2719 of 2023

and

Crl.M.P.No.1583 of 2023

L.Sennan

.. Petitioner

Vs.

1.State

by the Inspector of Police,
Kolathur Police Station,
Salem District.

2.Govindaraj,

Headquarters Deputy Tahsildar,
Tahsildar Office,
Mettur, Salem District.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in the FIR in Crime No.7 of 2023 on the file of the respondent No.1 Police Station and quash the same.

For petitioner : Mr.M.Radhakrishnan

For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

The Criminal Original Petition has been filed seeking to quash the FIR in Crime No.7 of 2023 pending investigation on the file of the 1st respondent.

2. When the matter came up for hearing on 10.01.2024, this Court passed the following order:

“Mr.A.Gopinath, the learned Government Advocate (Crl. Side) takes notice on behalf of the respondents.

2. The case of the petitioner is that he belongs to a schedule tribe community and a community certificate was also issued in his favour in the year 1994 by the R.D.O., Mettur Dam. The 2nd respondent entertained some suspicion on the community certificate that was relied upon by the petitioner. Based on the said suspicion, a complaint was lodged before the 1st respondent which resulted in the registration of an F.I.R. in Crime No.7 of 2023 by the 1st respondent.

3. The main ground that was urged by the learned counsel for the petitioner is that the moment the 2nd respondent questions the genuineness of the community certificate, the matter has to be referred



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*to the State Level Committee in line with the Judgment of the Apex Court in **Kumari Madhuri Patil Vs. Additional Commissioner** reported in [(1994) 6 SCC 241]. The learned counsel submitted that it is the State Level Scrutiny Committee which has to verify the genuineness of the community certificate issued in favour of the petitioner and the police cannot jump into the investigation at this stage.*

4.A prima facie case has been made and there shall be a stay of investigation in Crime No.7 of 2023 pending disposal of this Criminal Original Petition.

5.Post this Criminal Original Petition for hearing on 07.02.2024.”

3.In the considered view of this Court, if the 2nd respondent is questioning the genuineness of the community certificate, the matter has to be referred only to the State Level Committee which has to verify the genuineness of the community certificate and that cannot be done by filing a complaint before the Police. The law on this issue is too well settled.

4.In view of the above, FIR pending investigation on the file of the



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1st respondent in Crime No.7 of 2023 is hereby quashed and this Criminal Original Petition is allowed. If the 2nd respondent doubts the genuineness of the community certificate, it is left open to the 2nd respondent to refer the matter to the State Level Committee. Consequently, the connected Miscellaneous Petition is closed.

14.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.State
by the Inspector of Police,
Kolathur Police Station,
Salem District.
- 2.The Headquarters Deputy Tahsildar,
Tahsildar Office,
Mettur, Salem District.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

N.ANAND VENKATESH, J.



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