



WEB COPY



Crl.O.P.No.2876 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.2876 of 2022

and

Crl.M.P.Nos.1310 & 1311 of 2022

1. R.Mahendran

2. K.Ramasamy

... Petitioners/Accused 1 & 2

Vs.

1. The Deputy Superintendent of Police,
Thiruchengodu Sub Division,
Mallasamudram Police Station,
Namakkal District.

2. R.Jaganathan

... Respondents

PRAYER: The Criminal Original Petition filed under Section 482 of Cr.P.C., praying to quash the charge sheet in Spl.S.C.No.32 of 2021 pending on the file of the Special Court for Trial of cases under SC/ST(PoA) Act till the disposal of the quash petition.

For Petitioners : Mr.D.Vijayan

For R1 : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

For R2 : No appearance



Crl.O.P.No.2876 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C.No.32 of 2021 pending on the file of the Special Court for Trial of cases under SC/ST(PoA) Act till the disposal of the quash petition.

2. The case of the prosecution is that on 09.11.2020 at about 7.30 am when the defacto complainant was proceeding towards Aathumedu bus stop, A1 waylaid the defacto complainant and abused him stating his caste name and also assaulted him with knife and caused him injuries. Hence, the defacto complainant had given a complaint before the first respondent police, based on which F.I.R in Crime No.523 of 2020 was registered on the file of the first respondent. Thereafter, the first respondent police investigated the matter and filed a final report before the Special Court for Trial of cases under SC and ST (Prevention of Atrocities) Amendment Act and the Special Court has taken cognizance for the offence under Sections 341, 294(b), 323, 307, 506(ii) of IPC and



Crl.O.P.No.2876 of 2022

3(1)(r), 3(1)(s), 3(2)(va) of the Tamil Nadu Schedule Caste and Schedule Tribes Prevention of Attrocities Amendment Act 2015. Now challenging the final report the present petition is filed.

3. Learned counsel for the petitioners submitted that second respondent/defacto complainant has given a false complaint as against the petitioners before the first respondent police and base on which the first respondent has registered a case in Crime No. 523 of 2020 for the offence under Sections 341, 294(b), 323, 307, 506(ii) of IPC and 3(1)(r), 3(1)(s), 3(2)(va) of the Tamil Nadu Schedule Caste and Schedule Tribes Prevention of Attrocities Amendment Act 2015, and subsequently without following the mandatory procedures under SC/ST (PoA) rules and without conducting proper investigation, filed the final report as against the petitioners. In fact the petitioners have not committed any offence as alleged by the prosecution and there is no material to proceed with the case as against the petitioners for the alleged offences. The cognizance taken by the trial court is abuse of process of law and the same is liable to be quashed.



CrI.O.P.No.2876 of 2022

WEB COPY

4. The learned Additional Public Prosecutor appearing for the first respondent Police submitted that based on the complaint given by the second respondent/defacto complainant, the first respondent registered F.I.R. Thereafter the matter was investigated by the Deputy Superintendent of Police, based on the directions given by the Superintendent of Police and after completion of investigation, final report was filed before the concerned Court. The trial court after satisfying with the prima facie materials has taken cognizance for the offence under Sections 341, 294(b), 323, 307, 506(ii) of IPC and 3(1)(r), 3(1)(s), 3(2)(va) of the Tamil Nadu Schedule Caste and Schedule Tribes Prevention of Attrocities Amendment Act 2015. Hence, the present Criminal Original Petition may be dismissed.

5. This Court heard both sides and perused the records.

6. On perusal of the records, it is seen that there are prima facie materials available to proceed with the case as against the petitioners. The statements of witnesses rendered by the Investigating Officer reveals



Crl.O.P.No.2876 of 2022

WEB COPY

about the specific words uttered by the petitioners, and the injuries sustained by the witnesses. The doctor who has given treatment and wound certificate has also given statement to that effect. The veracity of the statement of witnesses and the gravity of the documents cannot be decided at this stage and the matter requires elaborate trial. Therefore, the petitioners have to face trial. Even as per the petitioners' contentions that there are no grounds to quash the proceedings in Spl.S.C.No.32 of 2021 on the file of the Special Court for Trial of Cases under SC/ST (PoA) Act, in view of the abovesaid discussions, the Criminal Original Petition is liable to be dismissed.

7. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

10.09.2024

mfa



WEB COPY



Crl.O.P.No.2876 of 2022

P.DHANABAL , J

mfa

**Crl.O.P.No.2876 of 2022
and
Crl.M.P.Nos.1310 & 1311 of 2022**

10.09.2024