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CrI.O.P.No.3333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

CrI.O.P.No. 3333 of 2024

and

CrI.M.P.Nos.2452 and 2453 of 2024

M.Jayanthi

... Petitioner

Vs.

1. The State represented by  
Deputy Superintendent of Police,  
Perur Sub-Division, Coimbatore District.

2. Inspector of Police,  
Alandurai Police Station,  
Coimbatore District,  
Crime No.62 of 2022.

3. V.Shylaja

... Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash the proceedings pending in Spl.S.C.No.143 of 2023 on the file of the learned Special Judge for Trial of Cases under SC and ST (POA) Act, Coimbatore.

For Petitioner : Mr.Swamisubramanian  
For Respondents : Mr.S.Udaya Kumar  
Government Advocate (CrI.Side)  
for R1 and R2  
No appearance for R3



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## **ORDER**

The petitioner herein is the Head Mistress of the School in which the son of the complainant is pursuing 3<sup>rd</sup> standard. The complainant's son had used the School toilet, but not cleaned it properly and the School teacher has asked him to clean the toilet basin. The complainant is aggrieved on hearing that the teacher has advised her son to clean the toilet properly after his use and insulted the boy because of his community.

2. The statement of witnesses and the complainant, particularly the statement of the boy would reveal that the class teacher has taught the boy how to use the toilet and keep it clean after its use. This has given a communal colour for prosecuting the class teacher as well the Head Mistress, who is nothing to do with the alleged complaint. The present petition filed by the Head Mistress that she has no intention to insult the son of the complainant nor she had committed any overt act to attract Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 or 3(1)(r) of SC/ST (Prevention of Atrocities) Act, 1989.



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3. When the quash petition filed by the class teacher came up for consideration before this Court, on considering the final report, this Court quashed the complaint on the ground that giving training to a young boy to clean the toilet after he use it cannot be considered as an act of insult committed wantonly to a member of the schedule caste. From the statement of witnesses it is clear that the petitioner is not even involved in the alleged incident and for being the head of the institution, she has been arrayed as one of the accused.

4. As a the result, this Criminal Original Petition is allowed and the proceedings pending in Spl.S.C.No.143 of 2023 on the file of the learned Special Judge for Trial of Cases under SC and ST (POA) Act, Coimbatore is quashed. Consequently, connected miscellaneous petitions are closed.

**25.10.2024**

Index: Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No  
*ms*



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To

1. The Special Judge for Trial of Cases  
Under SC and ST (POA) Act,  
Coimbatore.
2. The Deputy Superintendent of Police,  
Perur Sub-Division,  
Coimbatore District.
3. The Inspector of Police,  
Alandurai Police Station,  
Coimbatore District.
4. The Public Prosecutor,  
High Court, Madras.



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**Dr.G.JAYACHANDRAN, J.**

ms

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