



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06.03.2024**

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**CORAM**

**THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH**

**Crl.O.P.No.5204 of 2024**  
**and Crl.M.P.Nos.3788 & 3799 of 2024**

Suresh

... Petitioner

Vs.

1.State Rep. by: The Deputy Superintendent of Police,  
Pernampet, Vellore District.

2.The Inspector of Police,  
Pernampet Police Station,  
Vellore District.  
(Crime No.333 of 2016)

3.Deivakumar

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of the learned Special Court for trial of cases under SC/ST (POA) Act, Vellore in Spl.SC.No.92 of 2020.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor for R1 & R2



## **ORDER**

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This petition has been filed challenging the proceedings initiated by the second respondent against the petitioners under Sections 147, 148, 294(b), 323, 324, 307, 149 and 109 of IPC, Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 and Section 3(2)(va) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015.

2. In the instant case, there is a case in counter in Crime Nos.333 and 334 of 2019 and both ended in filing of final reports and the same have been taken cognizance in Spl.SC.No.92 of 2020 and S.C.No.288 of 2023 on the file of the learned Special Court for trial of cases under SC/ST (POA) Act, Vellore and pending before the same Court. In view of the same, there is no scope for interfering with the final report in one of the proceedings. The Court below shall proceed further with the case in line with the judgment of the Apex Court in *Nathilal vs. State of U.P.* [1990 *SCC (Crl.) 638*] as expeditiously as possible.

3. The grounds raised by learned counsel for petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The facts of this case and grounds raised in the quash petition do not fall within the parameters



laid down by the Apex Court in *State of Haryana and others v. Bhajanlal and others* [(1992) Suppl (1) SCC 335]. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in Spl.SC.No.92 of 2020 on the file of the learned Special Court for trial of cases under SC/ST (POA) Act, Vellore, within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are also closed.

**06.03.2024**

Index: Yes/No  
Internet: Yes/No  
ssr

To

- 1.The Special Court for trial of cases under SC/ST (POA) Act, Vellore.
- 2.The Deputy Superintendent of Police,  
Pernampet, Vellore District.
- 3.The Inspector of Police,  
Pernampet Police Station,  
Vellore District.



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**N.ANAND VENKATESH,J.**

SSR

4.The Public Prosecutor,  
High Court of Madras,  
Chennai.

**CrI.O.P.No.5204 of 2024**  
**and CrI.M.P.Nos.3788 & 3799 of 2024**

**06.03.2024**