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Crl.O.P.No.18289 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.18289 of 2022

and

Crl.M.P.No.12033 of 2022

1.K.Murali
2.L.Anand Stephen
3.C.N.Hemalatha

... Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
S-2 Airport Police Station,
Meenambakkam,
Chennai-600 016.

2.Vimal Rajaseharan AG,
S/o.Ganapathy,
Senior Manager (Flight Dispatch),
Flight Dispatch-Operations Department,
Integrated Service Complex, Air India,
Chennai Airport, Chennai-600 016.

... Respondents



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Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the FIR in Crime No.35 of 2022, dated 04.07.2022, on the file of the Inspector of Police, S-2, Airport Police Station, Meenambakkam, Chennai and quash the same.

For Petitioners	: Mr.G.Karthikeyan, Senior Counsel for Mr.A.Jagadeeswari
For R1	: Mr.Leonard Arul Joseph Selvam Government Advocate (Crl.Side)
For R2	: M/s.C.S.Vedavalli

O R D E R

This petition has been filed to quash the FIR in Crime No.35 of 2022, dated 04.07.2022, on the file of the Inspector of Police, S-2, Airport Police Station, Meenambakkam, Chennai for the alleged offence punishable under Sections 3(1)(r), 3(1)(s), 3(1)(q) of SC/ST (Prevention of Atrocities) Act, 1989, against the petitioners.

2. The petitioners are employees of Air India Limited, Chennai. The 1st petitioner retired from service on 30.04.2022 as Assistant General Manager (Flight Dispatch), Air India Limited, Chennai, and the 3rd petitioner retired from service on 30.09.2021 as Regional Director, South



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Region, Air India Limited, Chennai. This petition is based on a complaint by the 2nd respondent, alleging harassment by the petitioners due to his Scheduled Caste community status.

3. The learned counsel for the petitioners submitted that the 2nd respondent was employed under the petitioners as a Senior Manager (Flight Dispatch), Air India Limited, Chennai. The 2nd respondent was allegedly not prompt in his duties, often taking leave without prior approval, which disrupted the department's smooth functioning. When questioned by the petitioners as part of their official duties, the 2nd respondent frequently lodged complaints against them, alleging caste discrimination. One such complaint was filed on 20.11.2017 against the 1st petitioner under Section 3(1)(r) of the SC/ST Act. A charge sheet was filed in S.C. No. 133 of 2018 in the Principal District and Sessions Judge, Chengalpattu, but this Court quashed it in Crl.O.P. No. 14230 of 2019 by order dated 03.12.2021.

4. The 2nd respondent filed another complaint on 30.03.2019 against the 1st petitioner and two other officers, resulting in an FIR under Sections 3(1)(m), 3(1)(p), 3(1)(q), and Section 4 of the SC/ST Act, as well as



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Sections 10 and 11 of the Aircraft Act 1934 and Sections 504, 506(i), 469, 281, and 283 of IPC. A charge sheet was filed in S.C. No. 74 of 2020 in the Principal Sessions Judge, Kanchipuram District, Chengalpattu.

5. Another complaint was filed against the petitioners on 14.08.2021, but the FIR was registered on 04.07.2022, near about one year after from the date of the complaint. Following a detailed inquiry into the 2nd respondent's discriminatory actions, he was dismissed from service by order dated 28.09.2021. One reason for his removal was his continuous vexatious communication (over 120 letters/emails) to senior officials and external authorities, alleging caste-based discrimination and personal bias by his superiors, peers, and subordinates, which significantly wasted the company's administrative resources.

6. Based on this complaint, an FIR in Crime No. 35 of 2022 was lodged with the Inspector of Police, S2-Airport Police Station, Meenambakkam, Chennai. The petitioners' counsel argues that the present complaint is vexatious and seeks to quash the FIR on various grounds.

“a) The FIR filed is illegal and without application of mind.



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b) The complaint as per the FIR in its entirety is vague and without any specific allegations against any of the petitioners herein.

c) The averments in the complaint are very general in nature and does not attract any of the provisions of the SC/ST Act.

d) There is absolutely no date or time mentioned even in the general averments / allegations against the petitioners.

e) The FIR has been registered only after a period of one long year from the date of complaint.

f) Nowhere in the complaint, it is stated that he was either humiliated or insulted in public view.

g) There is absolutely no averment as to who witnessed such humiliation and insult meted out by him if at all any such occurrence took place.

h) Further, no necessary sanction was obtained with appropriate authority to file the FIR.”

7. In response, the learned counsel for the prosecution acknowledged that the FIR was lodged based on the 2nd respondent's complaint but admitted that an earlier complaint by the same complainant on similar allegations was quashed by this Court, indicating a clear case of abusing the legal process.

8. The learned counsel for the 2nd respondent argues that the petitioners colluded to harass the 2nd respondent through discriminatory



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proceedings without any substantive evidence of duty dereliction or false complaints. The 2nd respondent claims repeated harassment and threats by the petitioners. Despite reporting these issues to the 3rd petitioner, no action was taken. The counsel details specific incidents of harassment, including confrontations and intentional obstruction of the 2nd respondent's work environment, leading to a complaint under Sections 3(1)(c) of the SC/ST Prevention of Atrocities Act. Given these facts, the counsel argues that the investigation should proceed and prays to dismiss the petition as devoid of merits.

9. Having heard both sides' submissions, it is an undisputed fact that the petitioners are higher officials of Air India Limited, Chennai. According to the second petitioner, he was confronted and stared at in the corridor. Despite this, the second petitioner alleges that the third petitioner failed to take action against the individual responsible, invoking Sections 3(1)(c) of the SC/ST Prevention of Atrocities Act. Consequently, a complaint was lodged against the petitioners.

10. Based on the complaint filed by R2 under Sections 3(1)(c) of the SC/ST Prevention of Atrocities Act, it follows:



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“ Section 3 (1)(c): with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood”.

11. To prosecute the petitioners under the SC/ST Act, it is essential that the Second respondent/defacto complainant was humiliated by the petitioners in a public vicinity by mentioning his caste name.

12. Even though the FIR contains various allegations and dates, it lacks specificity regarding the date on which the complainant was humiliated by the petitioners by mentioning his caste name. A thorough review of the FIR shows numerous facts but no clear indication of the specific date and witnesses present when the alleged abuse occurred. The vague nature of the allegations in the FIR implies that the first petitioner cannot explain the date and events of the alleged harassment.

13. Furthermore, it is an admitted fact that the first petitioner was removed from service due to discriminatory actions initiated by the authorities of Air India Limited, Chennai. This fact is also admitted by the



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defacto complainant. Instituting discrimination proceedings differs significantly from initiating criminal proceedings through an FIR. To attract the relevant sections, there must be evidence that the first respondent was publicly humiliated by the petitioners, but the FIR does not mention any public utterance of caste-related abuse.

14. Moreover, as per the order passed by this Court in O.P.No.14230 of 2019 in Crime No.360 of 2017, this Court elaborately discussed the conduct of the second respondent. In earlier proceedings, this Court observed that the second respondent habitually sent anonymous letters to higher officials and outsiders, claiming humiliation by the first petitioner. In Crime No.360 of 2017, in S.C.No.133 of 2018, this Court quashed the case, identifying it as an abuse of the legal process. The second respondent narrated a similar set of facts in the earlier FIR. Currently, an inquiry has been conducted, and the second respondent has been removed from service. Furthermore, he habitually sends false complaints against higher officials, alleging harassment and caste-related abuse by the petitioners. The FIR was lodged nearly one year later, which is detrimental to the proceedings, and the second respondent has not provided a proper explanation for this delay. He is not an innocent person, he is well-versed in court proceedings and



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frequently files petitions personally. Therefore, the inordinate delay in lodging the FIR, nearly a year after the alleged occurrence, indicates that the present complaint is vexatious.

15. One of the charges against the second respondent is that he habitually sent baseless complaints to higher officials, amounting to over 120 letters. Additionally, he frequently absented himself and took leave without prior intimation. When questioned by higher officials, he lodged the present complaint to seek revenge. Therefore, I find no merit in the case, and it is a clear instance of abusing the process of the law. Accordingly, this Court is inclined to quash the FIR in Crime No.35 of 2022, dated 04.07.2022, filed by the Inspector of Police, S-2, Airport Police Station, Meenambakkam, Chennai.

16. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No



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Neutral Citation: Yes/No
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To

1. The Inspector of Police,
S-2 Airport Police Station,
Meenambakkam,
Chennai-600 016.
2. The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.
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