



CrI.RC.No.1242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

CrI.RC.No.1242 of 2024

Pappal

...Petitioner

Vs.

1. The State rep. by,
The Deputy Superintendent of Police,
Sankari Police Station, Salem District.
In Cr.No.436 of 2020.
2. Palanisamy Gounder
3. Sakthivel
4. Chinnathambi Gounder
5. Shanmugam
6. Vellingiri
7. Ramamoorthy
8. Duraisamy
9. Palaniammal
10. Sarojini
11. Moorthy
12. Palanisamy
13. Kandhasamy
14. Moorthy
15. Ammasai Gounder
16. Palanisamy
17. Abdul Rahman
18. Noor Mohamed



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19. Senthil Arun
20. Shanmugam
21. Rajendran
22. Suresh
23. Ponnusamy
24. Seetha Lakshmi
25. Sarasal
26. Rani
27. Chinna Kannal
28. Subramani
29. Udayakumar
30. Rangasamy
31. Vadivel
32. Palanisamy
33. Arumugam

...Respondents

Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 23.04.2024 made in Crl.MP.No.5 of 2024 in Spl.SC.No.6 of 2024 on the file of Sessions Judge, Special Court for trial of cases under SC/ST(POA) Act, Tiruppur.

For Petitioner : Mr.B.M.Subash

For Respondents : Mr.A.Gopinath, GA (Crl. Side), for R1

ORDER

This Criminal Revision case has been filed seeking quashment of the order dated 23.04.2024 made in Crl.MP.No.5 of 2024 in Spl.SC.No.6 of 2024 on the file of Sessions Judge, Special Court for trial of cases under SC/ST(POA) Act, Tiruppur.

2. The case of the petitioner is that, the petitioner belongs to



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Scheduled caste community and on 29.06.2018, she was appointed as Anganwadi Worker (Cook) at Government Higher Secondary School, Thirumalaigoundenplayam, however, she was not allowed to cook and was allowed only to do cleaning work and other miscellaneous works. While so, on 17.07.2018, the accused persons along with several others illegally entered into the kitchen hall at the above said school, thrown out the utensils in the kitchen and prevented the petitioner from doing her work by pointing out her caste and had also abused the petitioner by using filthy language and tried to assault the petitioner. Thereby the petitioner made a complaint before the law enforcing agency against 75 persons, for which FIR was registered in Cr.No.187 of 2018 for the offence u/s.147, 294(b), 353, 506(1), 509, 341, 355, 109 of IPC, Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Act and the final report came to be filed only against 36 persons and the same was taken on file in Spl.SC.No.6 of 2024. Thereafter, the petitioner filed a petition under Section 173(8) of Cr.P.C. for further investigation in CrI.MP.No.5 of 2024 on the ground that the Block Development Officer and officials of the school did not timely prevent the atrocities of the accused against the



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petitioner. However, the trial court, vide impugned order dated 23.04.2024 dismissed the said petition. Challenging the same, the petitioner has come up with this Criminal revision.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. The major contention of the petitioner is that, though several other persons committed communal atrocities against the petitioner, however, only 36 persons were implicated and therefore, the petition was filed for further investigation u/s. 173(8) of Cr.P.C. However, in order to substantiate her claim, no document has been produced and the petitioner did not file any material either before the trial court or before this Court with regard to the offence committed by other persons who were not implicated in the charge sheet. Further, a perusal of the materials available on record reveals that, pursuant to the complaint filed by the petitioner, the law enforcing agency, after conducting detailed enquiry by examining witnesses had filed



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final report by arraying even the Block Development Officer as one of the accused/A36, which was subsequently challenged by the Block Development Officer before this Court in Crl.OP.No.19499 of 2019 and this Court, vide order dated 10.01.2023 allowed the said petition by quashing the proceedings in Spl.SC.No.3 of 2019 only in respect of the A36.

5. Though the petitioner has come up with this Revision seeking the aforesaid relief, however, it is to be pointed out that it is within the discretion of the Court under the provisions of Cr.P.C., to array/add any person as an accused during trial or at any stage during trial.

6. Merely because the petitioner wants to add certain persons, the trial court not necessarily order for further investigation as in the absence of any material the trial Court had rightly dismissed the petition filed by the petitioner for further investigation, in which this Court finds no fault with.



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7. For the reasons aforesaid, this Criminal Revision Case stands dismissed.

01.08.2024

skt

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

1. The Sessions Judge, Special Court for trial of cases under SC/ST(POA) Act, Tiruppur.
2. The Deputy Superintendent of Police,
Sankari Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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