



Crl.O.P.No.21885 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21885 of 2022
and
Crl.M.P.No.14156 of 2022

Venkatachalam

... Petitioner

Vs.

1.State rep. By
The Inspector of Police,
Sathanur Dam Police Station,
Tiruvannamalai District.
(Crime No.125 of 2022)

2.Kumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and to quash the FIR in Crime No.125 of
2022 pending investigation on the file of the 1st respondent.



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For Petitioner : Mr.C.Prabakaran
For R1 : Mr.S.Vinoth Kumar
Govt. Advocate (Crl.Side)
For R2 : No appearance (Notice served)

ORDER

The petitioner has filed this petition to quash the FIR in Crime No.125 of 2022 pending investigation on the file of the 1st respondent, for the offences under Sections 294(b) of IPC, read with 3 (1) (r) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, as against the petitioner.

2. The case of the prosecution is that the son of defacto complainant and his friends went to the well behind the school around 1.30 p.m., at that time the petitioner has enquired and abused his son by using the caste name. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is a school teacher, who is aged about 50 years. He further submitted that after one month later the complaint was given by the defacto complainant and there is no specific overt act against the petitioner. As a teacher he



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while doing his duty, taken responsibility of the students. Hence, he prays to quash the proceeding of the FIR in Crime No.125 of 2022. In support of his contentions, the learned counsel relied on the ratio laid down in ***Crl.Appeal No.607 of 2020*** in the case of ***Hitesh Verma vs. The State of Uttarakhand and another***, wherein the Apex Court in paras 13 and 18 held as follows :-

“13. The offence under Sec.3(1)(r) of the Act would indicate the ingredient of intentional insult and intimidation with an intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe. All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to Scheduled Caste or Scheduled Tribe. The object of the Act is to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes as they are denied number of civil rights. Thus, an offence under the Act would be made out when a member of the vulnerable section of the society is subjected to indignities, humiliations and harassment. The assertion of title over the land by either of the parties is not due to either the indignities, humiliations or harassment. Every citizen has a right to avail their remedies in accordance with law. Therefore, if the appellant or his family members have invoked jurisdiction of the civil court, or that respondent



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No.2 has invoked the jurisdiction of the civil court, then the parties are availing their remedies in accordance with the procedure established by law. Such action is not for the reason that respondent No.2 is member of Scheduled Caste.”.....

“18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Sec.3(1)(r) of the Act is not made out.”

4. As per the report given by the District Education Officer, it reveals that on the date of occurrence, some of the students went to the well and took bath without knowledge of School Authorities. Hence, as a teacher the petitioner advised them. If any untowards accident happened, it would affect the students in future except that, he has not abused the son of the defacto complainant by mentioning his caste name.



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5. Considering the facts and circumstances, it reveals that if any students fell down in the well it is would lead to other complications, therefore considering the welfare of the students petitioner advised them and there is no prima facie material against the petitioner that on that day he humiliated the 2nd respondent's son in by mentioning his caste in public view. No independent witness on the side of prosecution from public view. On perusal of the authority referred by the petitioner's counsel in ***Crl.Appeal No.607 of 2020*** in the case of ***Hitesh Verma vs. The State of Uttarakhand and another***, it would clearly indicates that if there is no ingredients to show that with an intention to humiliate a member of Scheduled Caste or Scheduled Tribe by the petitioner/accused and if at all, any such person happens to be a Scheduled Caste, offence under the SC/ST Act is not made out. Moreover, as per report of DEO, no such occurrence was happened. Hence it is a frivolous complaint. Hence, this Court is inclined to quash the proceedings of the FIR in Crime No.125 of 2022 on the file of the 1st respondent.



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T.V.THAMILSELVI, J.

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6. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
Sathanur Dam Police Station,
Tiruvannamalai District.
(Crime No.125 of 2022)

2.The Public Prosecutor,
High Court of Madras.

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and
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