



CrI.O.P.No.18940 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.18940 of 2024

and

CrI.M.P.Nos.11190 and 11192 of 2024

1. Venkataraman
2. Madhaiyan
3. Gnanaselavi
4. Kavitha
5. Chinnapappa

... Petitioners

Vs.

1. State by
The Deputy Superintendent of Police,
Uthangarai, Krishnagiri District,
Crime No.645 of 2023.

2. Vijayalakshmi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS Act, 2023, to call for the records in connection with the charge sheet in S.C.No.27 of 2024 dated 18.01.2024 on the file of the Principal District and Sessions Court, Krishnagiri and quash the same.

For Petitioners : Mr.K.Thiruvengadam

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1
Ms.S.Sridevi
Legal Aid Counsel for R2

ORDER



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WEB COPY This Criminal Original Petition has been filed to quash the charge sheet in S.C.No.27 of 2024 dated 18.01.2024 on the file of the Principal District and Sessions Court, Krishnagiri.

2. Learned counsel for the petitioners submitted that the *de-facto* complainant is one of the family members of the petitioners. The dispute arose between them is due to larger extent of properties and as the rights of the in-laws, have also been denied, wordy quarrel arose between the parties and a false case has also been foisted against the petitioners. Since the occurrence itself happened within the family members, the charged offences would not attract the offence(s) under the provisions of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Hence, he prays to quash the same.

3. Learned counsel appearing for the second respondent/*de-facto* complainant submitted that the petitioners assaulted the *de-facto* complainant, abused her with filthy language and also humiliated her with caste name.



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4. Learned Additional Public Prosecutor appearing for the first respondent submitted that the investigating officer recorded the statements of the *de-facto* complainant and her husband. In their statements, they have clearly narrated the facts and there are *prima-facie* allegations against the petitioners and after thorough investigation, the first respondent/Police laid the charge sheet against the petitioners for the offences under Sections 147, 148, 323, 324, 427 IPC and Sections 3(1)(f), 3(1)(s), 3(2) (va) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act in S.C.No.27 of 2024. He further submitted that now the case is posted for framing of charges on 18.11.2024.

5. Heard both sides and perused the materials available on record

6. On a careful perusal of the charge sheet and statement of the witnesses, especially L.W.1 to L.W.3, there are *prima facie* allegations made against the petitioners, and therefore, this Court is not inclined to quash the charge-sheet by invoking Section 528 of BNSS of 2023. However, the petitioner is at liberty to take all his defence before the trial



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Court in S.C.No.27 of 2024. The learned Principal District and Sessions

Judge, Krishnagiri is directed to dispose of S.C.No.27 of 2024 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Both the parties are directed to extend their fullest co-operation for speedy disposal of the case.

7. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

13.11.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1. The Principal District and Sessions Judge,
Krishnagiri.
2. The Deputy Superintendent of Police,
Uthangarai,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

P.VELMURUGAN, J



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