



Crl.O.P.No.22076 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:16.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22076 of 2023

&

Crl.M.P.Nos.15314 & 15316 of 2023

1.Usha

2.Sridhar

.. Petitioners

/versus/

1.State by

The Inspector of Police,
Pathirivedu Police Station,
Thiruvallur District.
(Crime No.417 of 2021)

2.The Deputy Superintendent of Police,
Gummidipoondi Sub Division,
Thiruvallur District.

3.K.M.S.Sivakumar

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records on the file of the learned Principal District & Sessions Judge, Thiruvallur District concerned in S.C.No.158 of 2023 in so far as these petitioners are concerned and quash the same as illegal, arbitrary, abuse of process.



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For Petitioners :Mr.S.Sasikumar

For Respondents :Mr.S.Udaya Kumar
Government Advocate
(Crl.Side) for R1 & R2
Mr.T.R.Ravi for R3

ORDER

The petitioners/accused in S.C.No.158 of 2023 on the file of the Principal District and Sessions Judge, Thriuvallur have been charged for the offence under Sections 323, 506(i) of IPC r/w 3(1)(b) 3(i)(r), 3(i)(s) of SC/ST (POA) Amendment Act, 1989 and altered into Sections 323, 506(ii) of IPC r/w Section 34 of IPC and Sections 3(i)(m)(r)(s), 3(2)(va) of SC/ST (POA)Act, 1989.

2. The learned counsel appearing for the petitioners made an effective argument stating that the complaint as well as 161 statements of witnesses does not attract the offence under SC/ST (POA) Act and further, he submitted that due to political rivalry, the present complaint has been filed and the respondents police without proper investigation, had filed the final report. The learned counsel also submitted that earlier, an attempt was made by the defacto



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complainant to fix the petitioners herein under SC/ST(POA)Act. However, the complaint dated 09.07.2021 was enquired by the higher police officials and found to be a false complaint. Therefore, with an intention to fix the petitioners, the present imaginary complaint has been given and due to influence of the defacto complainant, final report has also been filed.

3. The learned Government Advocate (Crl.Side) appearing for respondents 1 and 2 submitted that for the incident during the Grama Sabha Meeting held on 2nd October, 2021 the complaint was given on 06.10.2021. The investigation has disclosed that, with an intention to insult the defacto complainant the petitioners have behaved in the public, which attracts the provisions of the SC/ST (POA)Act.

4. The learned counsel appearing for the defacto complainant submitted that the petitioners have given a complaint against the 3rd respondent and the same has been investigated and final report has been filed for the offence under Sections 294 and 506(i) of IPC and the same was taken on file in C.C.No.4 of 2024 by the Judicial



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Magistrate, Gumudipoondi. Though the learned counsel appearing for the petitioners forcibly argued that it is a politically motivated complaint, no ingredient to frame charge under the provisions of SC/ST (POA) Act is available.

5. On reading of the complaint and the statements, this Court finds that there are enough material to proceed against the petitioners for the offence under SC/ST (POA) Act. Only after the trial, it will be clear whether the allegations are proved through reliable evidence.

6. As far as the judgment relied on by the learned counsel appearing for the petitioners, the Court can infer relying upon those judgments only when there is no material disclosing ingredient for framing charge under the SC/ST (POA) Act.

7. Contrarily, in this case, if 161 statements of the witnesses are taken into consideration, this Court finds that there cannot be a summary disposal of the case holding that the ingredient for SC/ST (POA) Act is not available. Hence, this Criminal Original Petition is



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dismissed. Consequently, connected Miscellaneous Petitions are closed.

16.04.2024

Index:yes/no

Neutral Citation:yes/no
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To:

- 1.The Principal District & Sessions Judge, Thiruvallur District.
- 2.The Inspector of Police,Pathirivedu Police Station,
Thiruvallur District.
- 3.The Deputy Superintendent of Police, Gummidipoondi Sub
Division, Thiruvallur District.



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DR.G.JAYACHANDRAN,J.

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