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CrI.O.P.No.31841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No. 31841 of 2024

1. Immanuvel
2. Paul Manokaran
3. P.Christina

... Petitioners

Vs.

1.The State Rep.by
The Deputy Superintendent of Police,
Vellore Sub-Division,
Vellore District.

2. Susmitha

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./528 BNSS, 2023, to call for the records in pursuant to the charge sheet issued to the petitioners in F.I.R.No.1 of 2024 dated 09.01.2024 in Spl.S.C.No.18 of 2024 pending on the file of the Court of Sessions Judge, Special Court for SC/ST Act, Vellore and quash the same.

For Petitioners : Mr.T.P.Prabakaran

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor for R1



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ORDER

This Criminal Original Petition is filed to quash the charge-sheet in Spl.S.C.No.18 of 2024 on the file of the Special Court for Trial Cases under SC/ST (POA) Act Cases, Vellore.

2. The case of the prosecution is that the first petitioner/A1, who belongs to different caste, was having love affair with the second respondent/ *de-facto* complainant, who belongs to scheduled caste, had sexual intercourse with her for several times under the pretext of marriage and received money and jewels from her and later he refused to marry her and also threatened her and also abused her by using her caste name in the public. The petitioners 2 and 3, who are the parents of the first petitioner have also abused the *de-facto* complainant by using her caste name and also assaulted her and that the *de-facto* complainant has given a complaint against the petitioners and a case in Crime No.1 of 2024 was registered against the petitioners. On completion of investigation, the first respondent/Police filed a final report before the



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learned Sessions Judge, Special Court for Trial Cases under SC/ST (POA) Act Cases, Vellore in Spl.S.C.No.18 of 2024 and A1 committed an offence punishable under Sections 294(b), 323, 406, 417, 506(i) IPC r/w 3(1)(r), 3(1)(s), 3(w)(i) and 3(2)(va) of SC/ST (POA) Act and A2 and A3 have committed the offence under Sections 294(b), 323, 406, 417, 506(i) IPC r/w 3(1)(r) and 3(1)(s) of SC/ST (POA) Act. The present petition has been filed to quash the final report.

3. Learned counsel for the petitioners submitted that due to love affair between the first petitioner and the second respondent/*de-facto* complainant for five years and only with the consent of the *de-facto* complainant, the first petitioner had sexual intercourse with her in the house belonging to the *de-facto* complainant's sister, who is none other than the wife of the first petitioner's brother. Therefore, the allegation of committing an offence under SC/ST Act by abusing the *de-facto* complainant using her caste name is unsustainable. He further submitted that no independent witnesses were examined during the investigation. The confession statement recorded from the first petitioner, which was



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witnessed by list witnesses 12 and 13 cannot be treated as evidence. The petitioner has not signed in the confession statement and the same was only signed by the respondent/Police and the list witnesses. He further submitted that petitioners 2 and 3 have not committed any offence as alleged by the prosecution. *Prima facie* no materials made out for the offences said to have been committed by the petitioners.

4. Heard the learned Additional Public Prosecutor on the above submission and also perused the materials available on record.

5. On a reading of the final report and statement recorded from the list of witnesses under Section 161(3) Cr.P.C., who have clearly spoken about the involvement of the petitioners for the alleged offences, this Court is of the view that *prima facie* there are materials against the petitioners to proceed the case further. The grounds taken by the petitioners are matter for trial and this Court is not inclined to entertain this petition and hence, this Criminal Original Petition is dismissed. The



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petitioners are at liberty to take all their defences before the trial Court during the trial in Spl.S.C.No.18 of 2024.

19.12.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

- 1.The Sessions Judge,
Special Court for Trial Cases under
SC/ST (POA) Act Cases, Vellore.
- 2.The Deputy Superintendent of Police,
Vellore Sub-Division,
Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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