



WEB COPY



Crl.O.P.(MD)No.1660 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2024

CORAM:

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

Crl.O.P.(MD) No.1660 of 2022 and
Crl.M.P.(MD).No.1203 of 2022

Sathyabagavan

... Petitioner/Accused No.1

Vs.

1.State rep. by
the Deputy Superintendent of police,
Sivagangai, Sivagangai District.

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai
(Crime No.245 of 20165)

3Chinnathambi

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the chargesheet in Spl.C.C.No. 42 of 2020, on the file of the Special Court for Exclusive Trial of cases under SC/ST (POD) Act, 1989, Sivagangai and quash the same insofar as the petitioner is concerned.



Crl.O.P.(MD)No.1660 of 2022

For petitioner : Mr.K.Sathishkumar
For R-1 & R2 : Mr.S.S.Madhavan,
Government Advocate
(Criminal Side)
For R-3 : No Appearance

ORDER

This petition has been filed seeking to quash the charge sheet in Spl.C.C.No.42 of 2020, on the file of the Special Court for Exclusive Trial of cases under SC/ST (POD) Act, 1989, Sivagangai

2. The case of the prosecution is that there are totally six accused in this case. A complaint came to be lodged by the 3rd respondent as if the petitioner along with others, due to previous motive, said to have assaulted the third respondent and others and hence, on completion of investigation, charge sheet came to be filed in Spl.S.C. No.25/2018 before the trial court for offences under sections 147, 148, 324 and 506(II) IPC and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Amendment Ordinance Act 1989, for quashing which the petitioner is before this Court.



WEB COPY

3. The learned counsel for the petitioner would submit that initially, chargesheet was filed in Spl.S.C.No.25/2018, however, subsequently, the same was split up with regard to A2 and A3 in Spl.S.C.No.25/2018; for A6 in Spl.S.C.No.6/2017 and as far as the petitioner is concerned, since he could not appear before the trial court, the case was split up and numbered as Spl.S.C.No.42/2020. He would further submit that after full-fledged trial, A2, A3 and A6 were acquitted of all the charges. It is the case of the petitioner that due to previous enmity, when the petitioner and others asked the de-facto complainant to withdraw the pending case against the relatives of the petitioner, the de-facto complainant has given a false complaint as if they were attacked by the petitioner herein along with other accused. Hence, he would submit that the complaint itself is a motivated one and liable to be quashed.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.



WEB COPY

5. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to him to put forth his defence. The petitioner cannot be let by quashing the charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426).***

6. For the reasons aforesaid, this Court finds no ground or scope to quash Spl.S.C.No.42/2020, pending on the file of the Special Court for Exclusive Trial of cases under SC/ST (POD) Act, 1989, Sivagangai. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is dismissed.

7. The learned counsel appearing for the petitioner submitted that this Court may consider dispensing with the personal appearance of the petitioner before the court below. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his



CrI.O.P.(MD)No.1660 of 2022

appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

23.01.2024

Index : Yes/No

Internet : Yes/No

RR

To

1. The Special Court for Exclusive Trial of cases
under SC/ST (POD) Act, 1989, Sivagangai

2. The Deputy Superintendent of police,
Sivagangai, Sivagangai District.

3. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1660 of 2022

M.DHANDAPANI. J.

RR

Crl.O.P.(MD)No.1660 of 2022

23.01.2024