



CrI.O.P.(MD)No.4922 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.4922 of 2022

and

CrI.M.P.(MD).Nos.3485 & 3486 of 2022

Nagalingam

... Petitioner

Vs.

1.State represented by
The Deputy Superintendent of Police,
Thanjavur, Thanjavur District.
(in Crime No.916 of 2020)

2.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

3.Selvaraj

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to S.S.C.No.52 of 2020 on the file of the I Additional District and Sessions Court (PCR), Thanjavur and quash the same insofar as the petitioner is concerned.

For petitioner

: Mr.A.Arun Prasad

For R-1 & R-2

: Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)

For R-3

: No Appearance



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ORDER

The petitioner was implicated as Accused No.2 in Crime No. 916 of 2022 for the offence punishable under Sections 294(b) and 355 IPC r/w Sections 3 (1) (r) and 3(1) (s) of the Scheduled Caste and the scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and the respondent Police has conducted the investigation and on completion of investigation, the respondent Police has filed a charge sheet in S.S.C.No.52 of 2020 before the learned I Additional District and Sessions Court (PCR), Thanjavur. Challenging the same, the present petition has been filed.

2. The case of the prosecution is that one Revathi was affected with corona and at that time, she was residing in the *defacto* complainant's street. It is alleged that the petitioner along with the first accused had dug mud and caused groove in the *defacto* complainant's street, so that, no one in the street will come out. It is further alleged that the first accused in this case has scolded the *defacto* complainant by using his Caste name. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is Accused No.2, is the President of the



Village. Due to panic, the petitioner along with other accused persons dug the mud in order to prevent the street people to ingress and egress during the corona pandemic. He would further submit that the allegation made against the petitioner is that he instigated the other accused persons to commit the offence. Except this allegation, no allegation is made against the petitioner. He would further submit that the offence under SC/ST Act will not attract against the petitioner, since the petitioner himself is a depressed community.

4. The learned Additional Public Prosecutor appearing for the State has adopted the arguments of the learned counsel appearing for the second respondent.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstance of the case and also considering the fact that the petitioner himself is a down trodden community, for which, the Tahsildar, who is one of the witnesses in the said case, gave a statement before the respondent Police and the said statement is also produced before this Court.



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7. On perusal of the statement, it is seen that since the petitioner belongs to the depressed Community, the SC/ST Act implicated against the petitioner is not sustainable one and on perusal of the charge sheet, it is seen that the allegation made against the petitioner is that he has instigated the other accused persons to commit the crime. This Court finds that except this allegation, no allegation was made against the petitioner.

8. In view of the above, the proceedings in S.S.C.No.52 of 2020 on the file of the I Additional District and Sessions Court (PCR), Thanjavur is quashed insofar as the petitioner is concerned.

9. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

21.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1.The I Additional District and Sessions Court (PCR), Thanjavur.

2.The Deputy Superintendent of Police,
Thanjavur, Thanjavur District.
(in Crime No.916 of 2020)

3.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

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



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M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.4922 of 2021

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