



Crl.O.P.(MD)No.6676 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.6676 of 2022
and
Crl.M.P.(MD)No.4621 of 2022

Karuppudayar

... Petitioner

Vs.

- 1.State rep.by
The Deputy Superintendent of Police,
Lalkudi, Trichy District.
- 2.The Sub-Inspector of Police,
Lalgudi Police Station, Trichy District.
(Crime No.676 of 2021)
- 3.Ravikumar,
Revenue Inspector,
Revenue Divisional Office,
Lalgudi, Trichy District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings of charge sheet in Spl.S.C.No.7 of 2022 on the file of the I Additional District and Sessions Judge (PCR), Trichirappalli and quash the same.



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For Petitioners : Mr.N.S.Ponnaiah

For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed charge sheet in Spl.S.C.No.7 of 2022 on the file of the I Additional District and Sessions Judge (PCR), Trichirappalli.

2.The case of the prosecution is that the third respondent herein is the Revenue Inspector. The petitioner herein filed a petition to inclusion of his father's name in the patta and when he asked about the same, there was a wordy quarrel arose between the parties, in which, the petitioner abused the third respondent by using his caste name. Therefore, the third respondent filed a complaint before the second respondent, based on which, a case in Cr.No.676 of 2021 was registered for the offences punishable under Sections 294(b), 353 IPC r/w 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities)Act, 1989. After completion of investigation, the first respondent Police filed a charge sheet, which was



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taken on file in Spl.S.C.No.7 of 2022 by the learned I Additional District and Sessions Judge (PCR), Trichirappalli. Challenging the same, the present petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that the offences in the charge sheet will not make out a criminal case under Sections 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities)Act, 1989. It is clearly stated that offences of intentionally insults or intimidates or abuses of any member of the SC/ST by caste name in any place within the “public view” are the essential ingredients. However, the averments are made only within the four walls and hence, the concept of “public view” is not made out in this case. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate(Crl.side) appearing for the first respondent submitted that the first respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below.



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5.Heard the learned counsel on either side and perused the materials available in the record.

6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. 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).***

7.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 the petitioner to put forth his defence. The petitioner cannot be let by quashing the charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

8.For the reasons aforesaid, this Court finds no ground or scope to quash Spl.S.C.No.7 of 2022, pending on the file of the learned I



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Additional District and Sessions Judge (PCR), Trichirappalli.

Accordingly, this petition, being devoid of merits, is dismissed.

Consequently, connected miscellaneous petition is closed.

9.At this juncture, 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 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.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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M.DHANDAPANI,J.

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To

- 1.I Additional District and Sessions Judge (PCR),
Trichirappalli.
- 2.The Deputy Superintendent of Police,
Lalkudi, Trichy District.
- 3.The Sub-Inspector of Police,
Lalgudi Police Station, Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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