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CrI.O.P.(MD) No.8494 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.8494 of 2024

and

CRL.M.P (MD) No.5802 of 2024

1. Tilak @ P.Thilakan,

2. Pichai @ Pichaimuthu.S

... Petitioners

Vs

1. The Deputy Superintendent Of Police,
Oddanchatram Sub Division,
Dindigul District.

2. The State represented by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No. 132 of 2024.

3. Thiruvencatam,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the case registered in First Information report in Crime No. 132 of 2024 on the file of the second



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respondent and quash the same.

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For Petitioners : Mr.Aakash Ilango

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. side)

ORDER

This criminal original petition has been filed seeking to quash the case in Crime No. 132 of 2024, pending on the file of the second respondent.

2.The case of the prosecution is that due to previous enmity, the accused have abused the defacto complaint using his caste name, attacked him using knife and caused injuries. Hence the case.

3.The learned Counsel for the petitioners submits that the petitioners also belong to the Scheduled caste and they have also filed their community certificates. However, without considering the same, the respondent police has registered the case under the Prevention of SC/ST Act. He further submits that there is no averment in the FIR as against the petitioners.



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Therefore, the FIR is liable to be quashed.

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4.The learned Government Advocate (Criminal Side) submits that the case was registered only on 11.04.2024 and it is a matter for investigation.

5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by the petitioners can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the petitioners herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant



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including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8. Therefore, this petition is dismissed with a direction to the investigation agency that they have to look into the documents placed by the petitioners and to delete the offence, if the petitioners belong to the Scheduled Caste community and the respondent police shall proceed further with regard to the other averments and shall conclude the investigation as expeditiously as possible either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

13.06.2024

NCC : Yes/No
Internet: Yes/No
Index: Yes/No
LR



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To

1. The Deputy Superintendent Of Police,
Oddanchatram Sub Division,
Dindigul District.

2. The Inspector of Police,
Sempatti Police Station,
Dindigul District.

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



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B.PUGALENDHI, J.

LR

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