



Crl.O.P.(MD)No.13394 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **14.03.2024**

CORAM:

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

Crl.O.P.(MD) No.13394 of 2022
and Crl.M.P(MD).No.8533 of 2022

Regina Shanthi @ Shanthi

... Petitioner/A5

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vallioor, Tirunelveli District.

2.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

3.P.Vishnu

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the proceedings of S.C.No.39 of 2021 on the file of the learned II Additional District and Sessions Court (PCR), Tirunelveli District.

For Petitioner : Mr.S.Muthumalai Raja

For Respondents : Mr.S.Manikandan
Government Advocate (Crl.side) for R1 & R2

No Appearance for R3



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Additional District and Sessions Court (PCR), Tirunelveli District and the same was taken on file in S.C.No.39 of 2021.

3.The learned counsel appearing for the petitioner submits that the petitioner is a school teacher and one month prior to the date of occurrence, she was abused the students by calling their caste name. But the same was questioned by the third respondent along with the students' parents after a lapse of 1 ½ months. He would further submit that on the date of occurrence, the petitioner was not available at the place and the present complaint does not relate to the earlier occurrence, which allegedly happened at the instance of the petitioner. Since this is a subsequent complaint and the petitioner was not at all available in the scene of occurrence, implicating the petitioner in the present complaint is not sustainable one. Hence, he prays for allowing this Criminal Original Petition.

4.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submits that the allegation against the petitioner is that while she was in employment in the said school, she abused the students by calling their caste name. But however, that complaint was not filed before the respondents police. Subsequently the same was intimated



to the school authorities by the third respondent/defacto complainant and the students' parents and while they were returning, the said incident had happened and at the time of the incident, the petitioner was not available in the scene of occurrence. However, he prays for dismissal of this petition.

5.Though the third respondent's name was printed in the cause list, no one has appeared on behalf of him.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondents 1 and 2 and perused the materials available on record.

7.On perusal of the records revealed that there is no allegation against the petitioner and the occurrence happened on 18.11.2019 at 09.45 a.m., in the public place, where, the petitioner was not available and admittedly, there is no complaint against the petitioner. The entire complaint is only against A1 to A4 and the third respondent has not made any complaint with regard to the petitioner calling the student by community name. Thereby, implicating the petitioner in the above said offences is not sustainable one. Hence, this Court is inclined to quash the



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proceedings in S.C.No.39 of 2021 on the file of the learned II Additional District and Sessions Court (PCR), Tirunelveli, in respect of the petitioner/A5 alone, and accordingly, it is quashed.

8.In the result, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petition is closed.

14.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

To

- 1.The II Additional District and Sessions Court (PCR),
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vallioor, Tirunelveli District.
- 3.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

Sji

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