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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)No.17630 of 2022
and
Crl.M.P(MD)Nos.11972 and 11973 of 2022

Balamurugan

... Petitioner

Vs

1. The Deputy Superintendent Of Police,
Maniyachi Sub Division,
Thoothukudi District.

2. The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District
(Crime No. 123 of 2022).

3. Ponmariyappan

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records in connection with the case in S.C. No. 11 of 2022, on the file of the learned Special Court for Trial of Cases under SC and ST Act, Thoothukudi and Quash the same as illegal.



For Petitioner : Mr.Saravanan.N
For R1 & R2 : Mr.A.Albert James
Government Advocate (Crl.Side)
For R3 : No Appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.C. No. 11 of 2022, on the file of the learned Special Court for Trial of Cases under SC and ST Act, Thoothukudi .

2.The case of the prosecution is that the third respondent was a Panchayat President. There was some dispute between the third respondent and A1. On the date of occurrence, the accused persons are said to have abused the third respondent by using her caste name and also threatened her with dire consequence and also attacked the husband of the third respondent and caused him injuries. There are totally four accused persons in this case and the petitioner has been arrayed as A3.

3.Heard the learned Counsel appearing on either side. The third respondent has been served with notice and the name of the third respondent was printed in the cause list. However, there is no representation on behalf of the third respondent either in person or through a Counsel.



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4.The incident is said to have taken place on 16.07.2021 at about 16.30 hours. The petitioner, who has been arrayed as A3 is an Army Personnel, who was posted at that relevant point of time at 20 MAHAR Regiment at Jammu and Kashmir. The documents placed before this Court shows that the petitioner was granted part of the annual leave from 29.05.2021 to 12.07.2021 by the proceedings of the Lieutenant colonel/Major Officer Commanding. Thereafter, the petitioner reported to duty on 12.07.2021 afternoon. The same is apparent from the arrival report certificate issued by the concerned authority. It is therefore clear that there was no chance for the petitioner to be in the scene of occurrence on 16.07.2021.

5.Normally, the defence documents are not acted upon at the time of dealing with the quash petition. However, when the document is of a sterling quality and unimpeachable in character, this Court can always act upon the same while exercising its jurisdiction under Section 482 Cr.P.C. In the case in hand, the petitioner is a Military personnel and it is quite clear from the arrival report certificate given by the authority that the petitioner had joined the 20 Mahar Regiment on 12.07.2021 itself. Hence a false case



above direction. Consequently, the connected miscellaneous petitions are closed.

11.12.2024

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

To

1. The Special Court for Trial of Cases
under SC and ST Act, Thoothukudi.
2. The Deputy Superintendent Of Police,
Maniyachi Sub Division,
Thoothukudi District.
3. The Inspector of Police,
Pasuvanthanai Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

Crl.O.P(MD)No.17630 of 2022

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