



CrI.O.P.(MD)No.6 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.6 of 2022

and

CrI.M.P.(MD)Nos.7 & 8 of 2022

A.Manikandan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Tuticorin, Tuticorin District.

2.State Rep.by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(In Crime No.13 of 2018)

Manimegalai (Died)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in S.C.No.68 of 2020 on the file of the Sessions Judge (Special Court for SC/ST PoA) Act, Thoothukudi insofar as the petitioner herein is concerned and quash the same as illegal.



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For Petitioner : Mr.N.Anantha Padmanabhan,
Senior Counsel
for M/S.Malaiyendran

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

R3-Died

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.68 of 2020 on the file of the Sessions Judge (Special Court for SC/ST PoA) Act, Thoothukudi insofar as the petitioner herein is concerned.

2.The case of the prosecution is that the defacto complainant and the petitioner loved each other and they are belonging to different community. Thereafter, the petitioner herein refused to marry her and hence, the defacto complainant tried to attempt suicide, however, she was rescued and the petitioner herein assured to marry her. Even thereafter, again, he refused to marry the defacto complainant and also threatened her with dire consequences. Therefore, the defacto complainant preferred



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a complaint before the second respondent police. After completion of investigation, the second respondent police filed charge sheet, which was taken on file in S.C.No.68 of 2020 for the offence punishable under Sections 417, 506(i) IPC and Section 4 of TNPHW Act and Section 3(1)(w)(i) of SC/ST (POA) Amendment Act, 2015. Challenging the same, the present petition has been filed.

3.The learned Senior Counsel appearing for the petitioner would submit that as per Section 7 of SC/ST Act, investigation should be conducted not below the rank of a Deputy Superintendent of Police, whereas in the case on hand, the investigation was conducted by the second respondent police and only at the time of filing the charge sheet, the first respondent came into the picture. However, he would fairly submit that this Court may issue a direction to the trial Court to complete the trial within a stipulated time and further the appearance of the petitioner may be dispensed with.

4.The learned Government Advocate(Crl.side) appearing for the official respondents would submit that the second respondent has



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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.

5.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).***

6.In view of the fair submission of the learned Senior Counsel and the law laid down in the above said judgment, this Court directs the learned Sessions Judge (Special Court for SC/ST PoA) Act, Thoothukudi to complete the trial in S.C.No.68 of 2020, within a period of three months from the date of receipt of a copy of this order. Taking into consideration the request as made by the learned Senior 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



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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 petitioners is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

7.In the result, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

22.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The Deputy Superintendent of Police,
Tuticorin,
Tuticorin District.
- 2.The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI,J.

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