



Crl.O.P.No.5571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5571 of 2023

and

Crl.M.P.Nos.3490 and 3492 of 2023

Jayakumar

... Petitioner

Vs

1. The State rep. by
Deputy Superintendent of Police,
Kancheepuram Sub Division,
Kancheepuram District.

2. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
(Crime No. 1390 of 2021)

3. Rajesh

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in S.C.No.173 of 2021 pending on the file of the Principal District and Sessions Judge at Chegalpattu and quash the same.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.R.Vinothraja,
Govt. Advocate (Crl. Side) (for R1 & R2)
No appearance (for R3)

ORDER



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This petition has been filed to quash the proceedings in S.C.No.173 of 2021 on the file of the Principal District and Sessions Judge, Chegalpattu.

2. The case of the prosecution is that the de-facto complainant/third respondent is a member of the Scheduled Caste and is an advocate, residing at No.S-1 Sai Flats, ARS Avenue, Ashok Nagar, Kanchipuram. The petitioner is also residing in the same apartment, at F1 (first floor). Further, one Balaji is the owner of the ground floor of the said apartment, and the de-facto complainant rented the flat of the above-said Balaji to accommodate his mother-in-law, who was alone after the demise of her husband. Thereafter, the petitioner quarrelled with the said Balaji and questioned him as to why he had rented the flat to the mother-in-law of the de facto complainant. Therefore, the said Balaji insisted that the de-facto complainant vacate the flat, as the petitioner had quarrelled with him for renting the flat to the de-facto complainant.

2.1. Further, on 22.07.2021 at about 17:45 hours, while the



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petitioner/accused was standing in front of his flat on the first floor, the de facto complainant questioned the petitioner as to why he had quarrelled with the said Balaji by questioning him about renting the flat to his mother-in-law. Thereafter, the petitioner abused him using filthy language in public to the annoyance of others and abused him by uttering the de-facto complainant's caste name and intentionally insulted him to humiliate him in public view and criminally intimidated him. Further, the petitioner criminally intimidated him and showed a card to the de facto complainant, posing himself as the President of Lokayukta of Tamil Nadu, knowing that the same was forged, and used it as genuine, thereby cheating the de facto complainant. Hence, the case.

3. Though notice has been served, the third respondent has not entered appearance, either in person or through Counsel. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first and second respondents and perused the materials available on record.

4. On a perusal of the entire records, it is revealed that the alleged occurrence is trivial in nature. In fact, the third respondent, being an



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advocate, managed to register the First Information Report and also resulted in a charge sheet for the offences punishable under Sections 294(b), 506(i), 468, 471, 417, and 419 of IPC and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016. There is no iota of evidence to attract any of the offences. The petitioner and the third respondent are neighbours. Due to previous enmity between them, the third respondent, being the advocate, lodged the complaint as if the petitioner scolded the house owner of the ground floor for renting out the ground floor premises to the mother-in-law of the de facto complainant. When questioned by the third respondent, the petitioner allegedly scolded him with filthy language and also abused him by his caste name.

5. Admittedly, the said alleged occurrence took place in front of the petitioner's house, who is residing on the first floor of the apartment. Therefore, it did not happen in public view so as to attract the offences under Sections 294(b), 506(i), and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016. Further, the third respondent is not able to prove that



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the petitioner has committed the offences under Sections 468, 471, 417, and 419 of IPC. Therefore, this Court finds that the entire proceedings initiated against the petitioner under Sections 294(b), 506(i), 468, 471, 417, and 419 of IPC and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016, cannot be sustained and are liable to be quashed.

6. The learned counsel for the petitioner would further submit that the case in S.C.No.173 of 2021 on the file of the Principal District and Sessions Judge at Chengalpattu has been re-numbered as S.C.No.151 of 2022 and transferred to the file Principal District Judge, Kancheepuram.

7. Accordingly, the Criminal Original Petition stands allowed and the proceedings in S.C.No.173 of 2021 on the file of the Principal District and Sessions Judge at Chengalpattu, is hereby quashed. If the above case is re-numbered as S.C.No.151 of 2022 and transferred to the file Principal District Judge, Kancheepuram, the same is also consequently quashed. Consequently, the connected Miscellaneous Petitions are closed.



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Index: Yes/No
Neutral Citation/Yes/No
kv

To

1. The Deputy Superintendent of Police,
Kancheepuram Sub Division,
Kancheepuram District.
2. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
3. The Principal District and Sessions Judge at Chegalpattu,
Chengalpattu District.
4. The Public Prosecutor,
High Court of Madras.

Copy to

The Principal District Judge, Kancheepuram.



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G.K.ILANTHIRAIYAN, J.

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