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Crl.O.P.No.8993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8993 of 2023

and

Crl.M.P.Nos.5766 and 5767 of 2023

P.Suman

... Petitioner

Vs

1. The Superintendent of Police (West),
Office of the Superintendent,
Puducherry.

2. The Station House Officer,
Thirukkanur Police,
Puducherry.

3. Radha @ Athilakshmi

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned final report/charge sheet in Spl.Sc.No.80 of 2021 pending on the file of the Special Judge (Under the SC/ST (POA) Act, Additional District Court - II, Puducherry, and QUASH the same.



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For Petitioner : Mr.C.Iyyapparaja for Mr.M.Jothikumar

For Respondents : Mr.M.V.Ramachandramurthy,
APP (Pondy) for R1& R2

Mr.P.Bakiyaraj for R3

O R D E R

This petition has been filed to quash the proceedings in Spl.S.C.No.80 of 2021 on the file of the Special Judge (Under the SC/ST (POA) Act, Additional District Court - II, Puducherry, thereby taken cognizance for the offences under Sections 143, 153(A), 295(A), 298, 504 read with 149 of IPC and Section 3(1)(za)(C) of the SC & ST (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as 'the SC/ST Act' for short) as against this petitioner.

2. The case of the prosecution is that on 03.08.2018, the Dalit Community People of Kunichempet Village proposed to enter Shri Throwbathi Amman Temple at Kunichempet Village. After the incident of the refusal of a Dalit Woman by the local villagers to enter the Temple during the month of May-2018, peace meetings were held among the



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members of both the communities of Caste Hindus and Dalits, and the issue was amicably resolved. However, the members of "Dr. B.R.Ambedkar Eradication of Untouchability & Rights Retrieval Movement", Kunichempet under the leadership of Ex-MLA Thiru.Neela Gangadharan has scheduled to worship the Goddess Shri Throwbathi Amman Temple. The local people of Kunichempet Village Caste (Hindus) have condemned the act of Dalits for distributing pamphlets regarding the scheduled worship of the goddess by entering the temple along with various organizations.

2.1. Thereafter, on the very same day on 03.08.2018 at 09.10 hrs., police arrangements were made to tackle any law and order issued, while the second respondent was on bandobast duty along with the police force, Revenue Officials, viz., Tahsildar, Revenue Inspector and VAO, and police photographer and videographer at Kunichempet Village, the people of Caste Hindus consisting of men, women and youngsters in furtherance of the common object formed themselves into an unlawful assembly in front of Shri Throwbathi Amman Temple, Kunichempet and deliberately blocked the entrance of the Temple with the intent to outrage religious feelings of Dalit



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people and to provoke breach of peace by promoting enmity between Caste Hindus and Dalits. The gathering was dispersed by using minimum force and the issue was sorted out amicably resolved. Thus, the accused persons have created enmity between Caste Hindus and Dalits of Kunichempet Village and Colony by deliberately blocking the entrance of Shri Throwbathi Amman Temple knowing that it would outrage the religious feeling of Dalits and would provoke breach of peace. Hence, the second respondent at 14.20 hrs. registered a case is Crime No.70 of 2018 under Sections 143, 153(A), 298, 504 read with 149 of IPC.

3. The learned counsel for the petitioner would submit that the de facto complainant, viz., the third respondent, belongs to Hindu Vanniyar, even according to the prosecution. Therefore, no offence is made out under the SC/ST Act. Insofar as the other offences are concerned, the Trial Court ought not to have taken cognizance on the police report. Hence, he prayed to quash the entire proceedings.



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4. Heard the learned counsel for both sides and perused the materials available on record.

5. On a perusal of the records, it is revealed that admittedly, the second respondent belongs to Hindu Vanniyar. Therefore, the offence under the SC/ST Act is not at all attracted. Insofar as the other offences are concerned, the Trial Court ought not to have taken cognizance, since it can be taken cognizance only by way of a private complaint. Therefore, the entire proceedings cannot be sustained and are liable to be quashed.

6. In view of the above, the impugned proceeding in Spl.Sc.No.80 of 2021 is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

28.04.2025

Index:Yes/No
Neutral Citation/Yes/No
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3. The Special Judge (Under the SC/ST (POA) Act,
Additional District Court - II,
Puducherry.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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