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Crl.R.C.No.2149 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.2149 of 2023

and

Crl.M.P.No.19460 of 2023

1. Kalaimani
2. Balamurugan ... Petitioners
..vs..

1. The Deputy Superintendent of Police,
Arni Sub Division,
Tiruvannamalai District,
Crime No.122 of 2021.

2. Indharani ... Respondents

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C., to set aside the order passed in Crl.M.P.No.991 of 2022 dated 11.11.2022 by the Special Judge for Trial of Cases under SC/ST (P.O.A.) Act, Tiruvannamalai.

For Petitioner : Mr.M.Jaikumar
For Respondents : Mr.S.Sugendran
Additional Public Prosecutor for R1
Ms.S.Kanimozhi for R2



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ORDER

Challenging the order dated 11.11.2022 passed by the learned Special Judge, Special Court for the Exclusive Trial of Cases under SC/ST (P.O.A.) Act, Tiruvannamalai in Crl.M.P.No.991 of 2022, the present revision petition is filed by the petitioners.

2. The first respondent-Police registered a case in Crime No.122 of 2021 against the petitioners, based on the complaint given by second respondent- *de-facto* complainant for the offences punishable under Sections 294(b) and 506(i) IPC and Sections 3(1)(r) and 3(1)(s) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. On completion of investigation, the respondent-Police closed the FIR in Crime No.122 of 2021 dated 16.02.2021 as 'mistake of fact' and as against the said closure report, the second respondent-*de-facto* complainant filed a protest petition in Crl.M.P.No.991 of 2022 before the Special Court for the Exclusive Trial of Cases under SC/ST (P.O.A.) Act, Tiruvannamalai.



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3. The Court below, after appreciating the Sworn Statement of complainant and evidence of P.W.1 to P.W.3, found that *prima-facie* materials are available as against the petitioners/A1 and A2 also to proceed with the case further and on 11.11.2022 had taken the complaint on file and issued summons to petitioners/A1 and A2 for their appearance on 01.12.2022, against which, now the petitioners have come forward with the present petition.

4. On a perusal of the materials available on record and the statement recorded from the *de-facto* complainant under Section 161(3) Cr.P.C., this Court finds that there are prima-facie materials to proceed against the accused persons and hence, the trial Court has rightly allowed the protest petition, took cognizance of the complaint and also issued summons to accused persons. Therefore, this Court does not find any reason to interfere with the impugned order passed by the trial Court. Hence, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

14.02.2025

Index: Yes/No
Speaking Order/Non Speaking Order



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Neutral Citation Case : Yes / No

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To

1. The Special Judge,
Special Court for the Exclusive Trial of Cases
under SC/ST (P.O.A.) Act,
Tiruvannamalai.
2. The Deputy Superintendent of Police,
Arni Sub Division,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

ms

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