



Crl.OP.No.26320 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.26320 of 2024
and
CRL.MP.No.14616 of 2024

Jagadeesh

... Petitioner

Vs.

1.The Deputy Superintendent of Police
Tirupattur District

2.The Inspector of Police
Kurisalapet Police Station
Tirupattur District
Crime No.185 of 2024

3.Vetriselvi

4.Rajendiran

5.Sowcar Janaki

6.Vetriselavan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, to call for the records and quash the Final report in Spl.S.C.No.21 of 2024 on the file of the Special Court for Trial cases under SC/ST Act (POA), Vellore District.



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For Petitioner : Ms.V.Kanagavalli

For Respondents : Mr.R.Vinothraja
Govt. Advocate (Crl. Side)
for R1 & R2

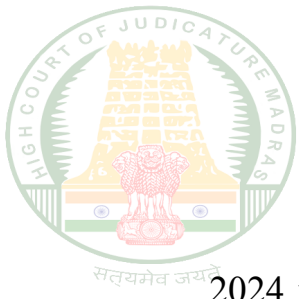
Mr.S.Sasikumar for R3 to R6

ORDER

This Criminal Original Petition is filed to quash the proceedings in Spl.S.C.No.21 of 2024 on the file of the Special Court for Trial cases under SC/ST Act (POA), Vellore District.

2. The case of the prosecution is that the petitioner and the third respondent/defacto complainant are husband and wife. Due to misunderstandings in their marital relationship, H.M.O.P. No. 57 of 2022 is pending between the petitioner and the third respondent before the Subordinate Judge, Tirupattur. During the pendency of the said divorce proceedings, a quarrel arose on 06.04.2024 between the petitioner's mother and the family members of the third respondent. Based on this incident, the present complaint has been lodged.

3. On the complaint lodged by the second respondent, the first respondent registered the FIR as against the petitioners in Cr.No.185 of



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2024 for the offences under Sections 294(b) of IPC, 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act 2015. After completion of investigation, the first respondent filed a final report before the Special Court for Trial cases under SC/ST Act (POA), Vellore District and the same has been taken cognizance in Spl.S.C.No.21 of 2024 and the same is pending. To quash the said proceedings, the present petition has been filed.

4. Heard the learned Counsel appearing on either side and perused the materials placed on record.

5. A perusal of the records reveals that the petitioner married the third respondent on 02.02.2020, and the said marriage was a love marriage. Subsequently, due to differences of opinion between them, the third respondent was allegedly driven out of her matrimonial home and compelled to reside at her parental home. It is stated that the third respondent belongs to the Scheduled Caste/Scheduled Tribe (SC/ST) community. The petitioner/accused is alleged to have abused her by using her caste name, thereby humiliating and threatening her with dire consequences. Therefore, there was specific allegations as against the



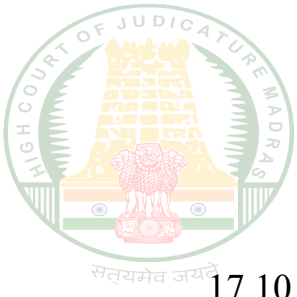
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petitioner to attract the offence under Section 294(b) of IPC, 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act 2015.

6. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of **Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C.

7. Further, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of **Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019 dated**



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17.10.2019) held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 482 of Cr.P.C.

8. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in ***Crl.A.No.1817 of 2019*** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr***, held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.



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9. Further this Court cannot observe at this stage whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained to quash the entire proceedings.

10. In view of the above discussion, this Court is not inclined to quash the proceedings in Spl.S.C.No.21 of 2024 pending on the file of the learned the Special Court for Trial cases under SC/ST Act (POA), Vellore District. However, the trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order.

11. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected the miscellaneous petition is closed.

29.04.2025

Vv



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To
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- 1.The Special Court for Trial cases
under SC/ST Act (POA)
Vellore District.
- 2.The Deputy Superintendent of Police
Tirupattur District
- 3.The Inspector of Police
Kurisalapet Police Station
Tirupattur District
Crime No.185 of 2024
- 4.The Public Prosecutor
High Court of Madras
Chennai



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G.K.ILANTHIRAIYAN, J.

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