



CRL.O.P. No. 27713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 27713 of 2023

AND

CRL MP NO. 19207 OF 2023

Devaki

...Petitioner

Vs

1. The Superintendent Of Police
Coimbatore Rural,
Coimbatore - 641 0182

2. The Inspector Of Police
Pollachi West Police Station,
Pollachi, Coimbatore - 642 001.

3. Manikkaraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.

praying to call for records and quash the FIR in Crime No.619 of 2023 on

the file of the 2nd respondent police.

For Petitioner : Mr.V.Raghavachari,
Senior Advocate for
Mrs.V.Srimathi

For Respondents
For R1 & R2: Mr.K.M.D.Muhilan,
Govt. Advocate (Crl. Side)

For R3 : Mr. B.Mohan



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ORDER

This Criminal Original Petition has been filed to quash the F.I.R. registered in Crime No. 619 of 2023 on the file of 2nd respondent police for the alleged offence under Secs. 3(1)(r) & 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

2. The case of prosecution is that on 30.11.2023, there was a Pollachi Municipal Committee meeting held under the head of Chairman and after completion of meeting, when the petitioner came out from the meeting hall, she abused the other members by using their caste name, due to which, other members sustained severe mental agony. On the complaint lodged by the 3rd respondent before the 1st respondent, the 2nd respondent registered the F.I.R. in Crime No. 619 of 2023.

3. Mr.V.Raghavachari, learned senior counsel for petitioner would submit that the petitioner is an elected 5th ward Councillor of Pollachi Municipality and she is not affiliated to any political party and she was elected as an independent candidate. As a duty, she had gone to attend the



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meeting. Following their usual practice and making a mockery of

democratic process, without any discussion all resolutions were considered

to have been passed. Though the petitioner raised objections as against the

procedures being adopted, it was not considered and majority started

shouting to drown out the petitioner's voice of objections, but the Chairman

did not take any action on the shouting projected as against the petitioner.

Therefore, the petitioner informed that she wanted to issue a public

statement as to the manner in which the council is functioning. Hence, a

false complaint has been foisted as against the petitioner as if she had

abused him by using their caste name viz., “chakkili”. The petitioner never

scolded any individual person. Further, though the word in general would

not attract any of the provisions of SC/ST (Prevention of Atrocities) Act, in

fact, the word Chakkili is akin to Yaman and it means disorganised manner

in which the persons behave. Therefore, even as per the averments made in

the complaint, which does not disclose any commission of offence. In

support of his contentions, he relied upon the judgment of this court

reported in **1993 (1) MWN (Cr.)**, in which this Court held that it is not the

case of prosecution that several of the community people residing there

have come forward with the grievance against the accused on the alleged



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derogatory insultation do not refer to P.W.s 1 and 2 but refers generally, simply because P.W.s 1 and 2 belong to Adi Dravida caste it is not safe to record a conviction as against the accused. The prosecution is bound to prove that the derogatory words of insultation by the accused with reference to particular person involved therein directly and that the overtact of the accused must constitute directly the guilt of the accused in passing derogatory and insulting remarks.

4. The learned Government Advocate (Crl. Side) appearing for respondents 1 and 2, on instructions submitted that the complainant and other three ward members belong to Schedule Caste “Arunthathiyar” community. In the open meeting hall, when there are so many public were present in the meeting, the petitioner abused them by using their caste name. Therefore, it attracts the offence under Sec. 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Act. Further, it is only a F.I.R. and it cannot be quashed at the threshold.

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



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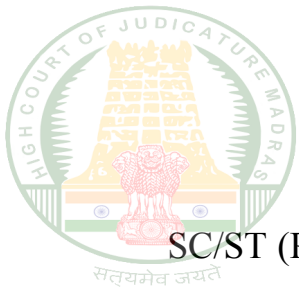
6. The judgment relied upon by the learned senior counsel appearing for the petitioner is not at all applicable to the case in hand for the simple reason that it was held as against the conviction under the Protection of Civil Rights Act, 1955. Now, the case on hand, it is only F.I.R. stage. That apart, the offences registered under the SC/ST (Prevention of Atrocities) Act would be relevant to extract the provisions under Sec.3(1)(r) and 3(1)(s) as follows :-

3. (1) *Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,*

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

3. (1) (s) *abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;*

Thus, it is clear that whoever not being a member of scheduled caste or a schedule tribe, intentionally insults or intimidates with intention to humiliate a member of Scheduled Caste or a Scheduled tribe in any place even in the public view would attract the offence under Sec. 3(1)(r) of



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SC/ST (Prevention of Atrocities) Act. Further, whoever abused any member of Scheduled Caste or a Scheduled Tribe by caste name in a public view, it would attract the offence under Sec.3(1)(s) of SC/ST (Prevention of Atrocities) Act.

7. Admittedly, the petitioner is not belong to Scheduled caste or Scheduled tribe community. Further, the 4th ward councillor, who attended the meeting belong to Scheduled Caste “Arunthathiyar” community. After the meeting convened, the petitioner came out, in the presence of general public and other ward councillors, she abused the councillors by using their caste name and scolded them in filthy language. Therefore, there is a prima facie case made out from the complaint lodged by the 3rd respondent to register the F.I.R. in Crime No. 619 of 2023 for an offence under Sec.3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Act. Further, it was happened in the public place in front of general public including ward councillors. Therefore, the 3rd respondent and other ward councillors were personally humiliated by derogatory and insulting remarks made by the petitioner by using their caste name. Therefore, it would clearly attracts the offence as stated by the 3rd respondent as against the petitioner.



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8. In view of the above, this Court finds no ground to quash the F.I.R. registered in Crime No. 619/2023 for an offence under Sec.3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Act and this petition is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. However, the 2nd respondent is directed to complete the investigation and file a final report within a period twelve weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

21.02.2025

Internet: Yes/No

Index : Yes/No

Speaking/Non speaking order

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To

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Coimbatore - 641 0182
2. The Inspector Of Police
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Pollachi, Coimbatore - 642 001.



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3. The Public Prosecutor,
High Court of Madras, Chennai.

G.K.ILANTHIRAIYAN, J.

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