



Crl.O.P.(MD)No.3634 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.04.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD) No.3634 of 2025

and

Crl.M.P(MD) Nos.2540 and 2541 of 2025

R.Manikandan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Deputy Superintendent of Police,
Puliangudi,
Tenkasi District.

2. The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi
Tenkasi District.
(In Crime No.125 of 2024).

3. Arasakumar

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the case in impugned charge sheet in S.C.No.68 of 2024 on the file of the II-Additional District and Sessions Court (PCR), Tirunelveli and quash the same as illegal.



WEB COPY



Crl.O.P.(MD)No.3634 of 2025

For Petitioner : Mr.R.Manikandan (Party in Person)

For R1 and R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

For R3 : Mr.Jeyamohan

ORDER

This petition has been filed by the petitioner to quash the charge sheet in S.C.No.68 of 2024 on the file of the II-Additional District and Sessions Court (PCR), Tirunelveli.

2. The prosecution case is that on 15.03.2024, the defacto complainant while driving the lorry bearing registration No.TN-76-K-5019, the petitioner riding in a two wheeler bearing Registration No.TN-79-H-6465, near Dharugapuram to Sanganageri main road, waylaid the lorry and abused with obscene words and humiliated by saying the community name and thereby, the defacto complainant, who is the 3rd respondent lodged a complaint before the 1st respondent police and they registered a case in Crime No.125 of 2024 for the offences under Sections 341, 294(b), 506(2) of IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. Thereafter, the same was investigated by the 1st respondent and filed the final report before the II-Additional District and



Crl.O.P.(MD)No.3634 of 2025

Sessions Court (PCR), Tirunelveli. The Special Court had taken cognizance and the same is now pending in S.C.No.68 of 2024. Now the petitioner, who is the sole accused in this case challenged the pending proceedings.

3. The petitioner, who appeared as party-in-person would submit that the 3rd respondent lodged a false complaint against the petitioner before the 1st respondent alleging that the petitioner waylaid the defacto complainant and abused by community name and obscene words. Therefore, they registered a case in Crime No.125 of 2024 for the offences under Sections 341, 294(b), 506(2) of IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. In fact, the petitioner is a social activist and he filed a Writ Petition in W.P(MD) No.28058 of 2022 before this Court for seeking irregularities in MGNREGA Scheme, for which the Hon'ble Division Bench of this Court passed guidelines against all the District Collector and thereby, the 2nd respondent as well as the defacto complainant foisted a false case against the petitioner. On the date of occurrence, the petitioner filed a Writ Petition in W.P.(MD) No.6541 of 2024 and the same was listed for admission on 18.03.2024, in order to deprive the petitioner from appearing in the petition, the present case was foisted against the petitioner. Even as per the F.I.R and charge sheet, there are no specific averments to constitute the offences and the 1st respondent



without conducting proper investigation filed the final report. Therefore, the pending proceeding is an abuse of process of law and the same is liable to be quashed.

4. The learned Government Advocate (Criminal Side) appearing for the respondents no.1 and 2 would submit that the 3rd respondent lodged a complaint against the petitioner and thereby, they registered the F.I.R in Crime No.125 of 2024 for the offences under Sections 341, 294(b), 506(2) of IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. Thereafter, the 1st respondent has conducted investigation and filed the final report before the Special Court, and the Special Court also had taken cognizance and the same is pending in S.C.No. 68 of 2024. As per the final report, there are prima facie materials available as against the petitioner and the Trial Court, after satisfying that there are prima facie materials available, had taken cognizance and assigned S.C.No. 68 of 2024. Therefore, the matter needs an elaborate trial. Hence this petition is liable to be dismissed.

5. The learned counsel appearing for the 3rd respondent would submit that on 15.03.2024, the defacto complainant while driving the lorry bearing registration No.TN-76-K-5019, the petitioner riding in a two wheeler



Crl.O.P.(MD)No.3634 of 2025

bearing Registration No.TN-79-H-6465, near Dharugapuram to Sanganageri main road, waylaid the lorry and abused with obscene words and humiliated by saying the community name and thereby, the defacto complainant, who is the 3rd respondent lodged a complaint before the 1st respondent police and they registered a case in Crime No.125 of 2024 for the offences under Sections 341, 294(b), 506(2) of IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. Thereafter, the same was investigated by the 1st respondent and filed the final report before the II-Additional District and Sessions Court (PCR), Thirunelveli. The Special Court had taken cognizance and the same is now pending in S.C.No.68 of 2024. As per the final report, there are prima facie materials available. Therefore, the petitioner has to face the trial and this petition is liable to be dismissed.

6. Heard both sides and perused the records.

7. On perusal of the records, it is seen that the 3rd respondent lodged a complaint against the petitioner before the respondent police no. 2 and they registered a case in Crime No.125 of 2024 for the offences under Sections 341, 294(b), 506(2) of IPC and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. Thereafter, the 1st respondent



Crl.O.P.(MD)No.3634 of 2025

conducted investigation and filed the final report. As per the final report, there are specific allegations as against the petitioner and the allegations are serious in nature. The defence raised by the petitioner that due to writ petitions filed before this Court and due to the petitioner being a social activist, a false case has been foisted against him cannot be considered at this stage and the same can be considered during the trial. All the grounds raised by the petitioner are nothing but the defence to be taken before the Trial Court. Therefore, the petitioner is at liberty to put forth the grounds raised by him as defence before the Trial Court. The disputed facts cannot be disposed of by this Court while considering the petition under Section 482 of Criminal Procedure Code, 1973 and the statements recorded during the investigation cannot be tested at this stage without trial. Therefore, the matter needs an elaborate trial and this Court is of the opinion that, this petition has no merits and deserves to be dismissed. Accordingly, this criminal original petition is dismissed. Consequently, connected criminal miscellaneous petitions are closed.

25.04.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Mac



Crl.O.P.(MD)No.3634 of 2025

To

WEB COPY

1. The II- Additional District and Sessions Court (PCR),
Tirunelveli
2. The Deputy Superintendent of Police,
Puliangudi,
Tenkasi District.
3. The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi, Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.3634 of 2025

P. DHANABAL, J.

Mac

Crl.O.P.(MD) No.3634 of 2025

and

Crl.M.P(MD) Nos.2540 and 2541 of 2025

25.04.2025