

CrI.A(MD)No.299 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.A(MD)No.299 of 2025 and

CrI.MP(MD) No.3120 of 2025

Shanthi

... Appellant

Vs

1.The State of Tamil Nadu

Rep by its

The Deputy Superintendent of Police,

Oddanchatram Sub Division,

Oddanchatram Police Station,

Dindigul District.

Crime No.1143 of 2021

2.Sornalatha

3.Vijayalakshmi

4.Anbu Selvi

5.Jeyalakshmi

... Respondents

(R2 to R5 are impleaded as per order of this Court, dated 16.04.2025 in CrI.MP(MD) No.3120 of 2025 in CrI.A(MD) No.299 of 2025 by BPJ)

PRAYER: Appeal filed under Section 14A(2) of the SC/ST(PCR) Act, to call for the records pertaining to the order passed in



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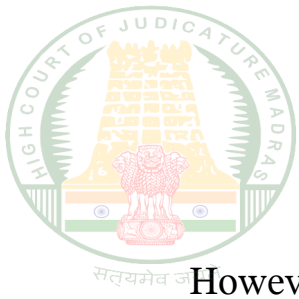
Crl.MP.No.1108 of 2022, dated 15.10.2024 by the Special Court for trial of cases under SC/ST (POA) Act, Dindigul and set aside the same.

For Appellant : Mr.K.Althaf Sheriff
For R1 : Mr.A.S.Abul Kalam Azad
Government Advocate (Crl.side)
For R2 to R5 : Mr.T.Antony Arulraj

J U D G M E N T

This Criminal Appeal is directed as against the order passed by the Special Court for trial of cases under SC/ST (POA) Act, Dindigul in Crl.MP No.1108 of 2022, dated 15.10.2024, in the petition filed by this appellant as against the final report laid by the respondent police.

2. This appellant has lodged a complaint as against eight persons for the offence under Sections 147, 342, 427, 294(b) IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 2015 and the same was registered in Crime No.1143 of 2021, dated 22.10.2021. After conducting the investigation, the respondent police has filed the final report, deleting four of the accused, A3, A4, A5 and A7.



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However, the final report was filed as against A1, A2, A6 and A8. The respondent police found that the wives of A1, A2, A6 and A8 have been implicated as accused A3, A4, A5 and A7 and since there was no specific overt act as against them, they have filed the final report, deleting those accused. Aggrieved over that, the complainant has filed a protest petition before the Special Court for Exclusive trial of Cases under SC/ST (POA) Act, Dindigul, in Crl.MP.No.1108 of 2022 and the same was rejected by the learned Judge, that the respondent police has filed the final report after conducting investigation and the facts revealed thereof. As against the rejection order, the appellant is before this Court with this Criminal Appeal.

3.The learned counsel appearing for the appellant submits that though this appellant has produced sufficient materials and the photographs to the investigating agency as well as to the learned Judge respectively, to prove the involvement of the deleted accused in the offence and their presence in the place of occurrence, the respondent police has deleted those accused persons and the learned trial Judge



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has also not considered the case of the appellant properly. He further submits that one of the deleted accused is serving as a Village Administrative officer.

4.The learned counsel by producing certain photographs before this Court submits that the omitted accused have also participated in the occurrence. However, the photographs placed before this Court do not reveal that they are indulging in any offence.

5.The learned counsel appearing for the respondents 2 to 5 submits that the photographs shown by the appellant were taken without his clients' knowledge and those photographs are not taken during the course of the incident as projected by the appellant and it was in some other occasion. The learned counsel further submits that the investigation has not been conducted properly, neighbours have not been examined and their statements under Section 161(3) of Cr.P.C were not recorded.



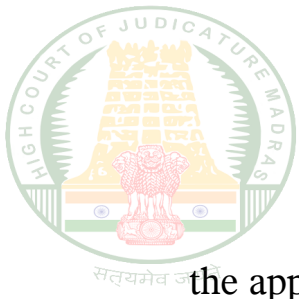
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6.This statement of the learned counsel for the private respondents was disputed by the learned Government Advocate that the neighbours have been examined and they found that the womenfolk have been unnecessarily added as an accused. He further submits that the defacto complainant was not present in the scene of occurrence and on assumption, the complainant has foisted the complaint as against the other omitted accused also.

7.This Court considered the rival submissions made and also perused the materials placed on record.

8.Two window glasses have been found broken in the appellant's house. Admittedly, there was a dispute between the parties over a pathway and the appellant was not present in the place of occurrence at that relevant point of time. On assumption, this appellant has lodged a complaint that the omitted accused persons have also involved in the occurrence. The omitted accused persons A3, A4, A5 and A7 are the wives of the A1, A2, A6 and A8. The petition filed by



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the appellant challenging the final report, deleting the accused A3, A4, A5 and A7 was rejected and it is challenged in this appeal. The trial Court holding that there are no materials, connecting the deleted accused in the crime, rejected the claim of this appellant. This Court is not inclined to interfere with the findings of the trial Court.

9. Accordingly, this Criminal Appeal is dismissed. However, liberty is granted to this appellant to establish his case as against the omitted accused, by filing a private complaint as against them, provided, if he is having sufficient evidence/materials. Consequently, connected Miscellaneous Petition is closed.

25.04.2025

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To
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- 1.The Special Court for trial of cases under SC/ST (POA) Act,
Dindigul
- 2.The Deputy Superintendent of Police,
Oddanchatram Sub Division,
Oddanchatram Police Station,
Dindigul District.



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B.PUGALENDHI, J.,

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Judgment made in
Crl.A(MD)No.299 of 2025 and
Crl.MP(MD) No.3120 of 2025

25.04.2025