

Crl.A.(MD)No.760 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.07.2025

CORAM :

THE HONOURABLE **DR. JUSTICE R.N.MANJULA**

Crl.A.(MD)No.760 of 2025
and Crl.M.P(MD).No.9189 of 2025

1.Mohamed Pazir
2.Selvam
3.Rani

... Appellants/A1 to A3

vs.

1.The State rep., through
The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Inspector of Police,
Jeyamangalam Police Station,
Periyakulam Taluk, Theni District.

3.Panchu

... Respondents

Prayer : Criminal Appeal filed under Section 14(2) A of the Scheduled Caste and Scheduled Tribes Act, to call for the records relating to the impugned order dated 19.10.2024 made in Crl.M.P.No.1373 of 2022 in Spl.S.C.No.169 of 2020 on the file of the Special Court for trial of cases under SC/ST (POA) Act, Theni, set aside the same discharge the petitioners from the case on hand.

For Appellants : Mr.C.Christopher
For R1 & R2 : Mr.K.Gnanasekaran
Government Advocate (Crl.side)



Crl.A.(MD)No.760 of 2025

JUDGMENT

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2. The appellants are the Accused Nos.1 to 3. The case of the prosecution in brief is that A2 and A4 were constructing a house nearby the house of the complainant for the past six months. On 07.05.2019, at about 07.00 pm., they had heaped sand, stones and blocked the pathway. When the same was questioned by the defacto complainant, A1, who was doing contract work, along with A2 to A4 had abused her using filthy language and caste-based slurs. Without considering that the defacto complainant is a woman, they tore her blouse, slapped her, pushed her to the floor and also, threatened to burn her along with her house. Regarding this dispute, on 07.06.2019, the Inspector of Police, asked the defacto complainant to appear for enquiry at Devathanapatty Police Station. At around 03.30 pm., while the defacto complainant was standing in front of the Devathanapatty Police Station near the temple, A1 and his brother came there, abused her using caste-based slurs and criminally intimidated her with threats of harm.

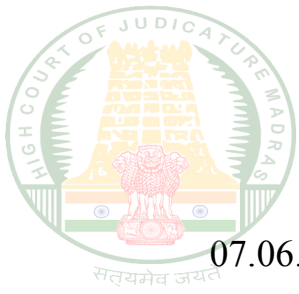


Crl.A.(MD)No.760 of 2025

WEB COPY

3. Based on the complaint given by the defacto complainant, an FIR was registered against the accused persons in Crime No.98 of 2019 for the offences under Sections 147, 341, 294(b), 323 and 506(i) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 3(1)(w)(i) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, at the Jayamangalam Police Station. After the completion of investigation, charge sheet was filed and the same was taken on file in Spl.S.C.No.169 of 2020 by the learned Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni. Thereafter, the appellants has filed a discharge petition in Cr.M.P.No. 1373 of 2024 by alleging that there are no materials to make out the case against them, but that was declined by the trial Court and dismissed the petition vide order dated 19.10.2024. Aggrieved over the same, this appeal has been filed.

4. The learned counsel appearing for the appellants submitted that if the occurrence took place in front of Devathanapatty Police Station, the complaint ought to have been given to the Devathanapatty police Station, but it has been given to the Jeyamangalam Police Station, that too, with the delay of 35 days; one complaint has been given for both the incidents; there is no explanation given for the delay occurred between 07.05.2019 to



Crl.A.(MD)No.760 of 2025

07.06.2019; in fact, a complaint was given on 08.05.2019 before the Superintendent of Police, Theni District, which has been suppressed; but the learned trial Judge has not considered the merits of the matter and dismissed the petition.

5. The learned Government Advocate (Crl.side) submitted that the occurrence had taken place only on 07.05.2019 and the defacto complainant was called to the police station on 07.06.2019 for enquiry; whether the delay is fatal to the prosecution or not, is a mixed question of fact and law and that cannot be taken up at the preliminary stage; the trial is almost completed and examination of witnesses was over and the case is posted to 313 question for defence's side evidence.

6. This Court gave anxious consideration to the submissions made on either side and carefully perused the materials available on record.

7. It is a case, where a charge sheet has been filed and trial has been commenced and completed, thereafter a discharge petition has been filed, without allowing the Court to complete the proceedings. Even if a complaint has been given to the police station, which does not have any jurisdiction, as per the Police Standing Orders, the said complaint needs to



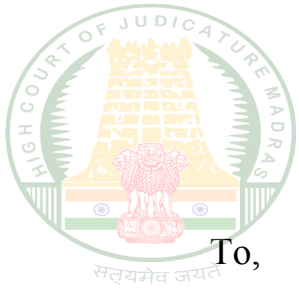
Crl.A.(MD)No.760 of 2025

be transmitted to the jurisdictional police station in order to initiate further action. Without doing so, it cannot be concluded that there is no ground to bind the accused. As on today, the trial is concluded and the appellants, if interested, can let-in their defence's side evidence. So far as the delay is concerned, that has to be appreciated based upon the whole circumstances of the case and based on the materials submitted to the Court during the time of trial.

8. I do not find any need to be interfered at this stage, where the case itself is going to be disposed of by the trial Court shortly. Accordingly, this Criminal Appeal is dismissed. Consequently, connected Miscellaneous Petition is closed.

16.07.2025

Index : Yes/No
NCC : Yes/No.
Rmk



Crl.A.(MD)No.760 of 2025

To,

WEB COPY

- 1.The Judge, Special Court for trial
of cases under SC/ST (POA) Act, Theni.
- 2.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.
- 3.The Inspector of Police,
Jeyamangalam Police Station,
Periyakulam Taluk, Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.A.(MD)No.760 of 2025

Dr.R.N.MANJULA, J.,

Rmk

Crl.A.(MD)No.760 of 2025

16.07.2025