

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

**Reserved on: 24.11.2025
Pronounced on: 19.06.2026**

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PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

**CRL OP(MD)Nos.2666 and 6231 of 2023
and
CRL MP(MD)Nos.2411 and 2413 of 2023**

CRL.OP(MD)No.2666 of 2023:

1.P.Rajendran
2.R.Prabhu Deva
3.R.Mathan

...Petitioners

Vs.

1.The State, Rep.by
The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District
(Crime No.36 of 2022)

2.Latha

3.Karuppasamy

...Respondents

(R3 is suo motu impleaded as per order of this Court
dated 04.11.2025 in CRL.OP(MD)No.2666 of 2023)

For Petitioners : M/s.A.Victoria

For Respondents : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor for R-1
Mr.S.C.Herold Singh for R-2
Mr.F.X.Eugene for R-3



PETITION FOR QUASH Under Sec.482 of Cr.P.C.

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Prayer:- To call for the records pertaining to the impugned charge sheet filed by the 1st respondent in S.C.No.16/2022, on the file of the Special Court for Trial of Cases under SC/ST [Prevention of Atrocities] Act, Thoothukudi District and to quash the same.

CRL.OP(MD)No.6231 of 2023:

Latha

...Petitioner

Vs.

1.The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
(Crime No.36/2022)

2.Rajendran

...Respondents

For Petitioner: Mr.S.C.Herold Singh

For Respondents: Mr.E.Antony Sahaya Prabhakar

Additional Public Prosecutor – for R-1

M/s.A.Victoria -For R-2

PETITION FOR DIRECTION Under Sec.482 of Cr.P.C.

PRAYER :- To direct the Learned Special Court for the trial of Cases under SC/ST [Prevention of Atrocities] Act, Thoothukudi to dispose the case in SC.No:16 of 2022 within stipulated time fixed by this Court.



COMMON ORDER

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Both the petitions are pertaining to the charge sheet filed in S.C.No.16/2022, hence both the petitions are taken together and a common order is passed.

2.(i). The CrI.O.P.(MD)No.2666/2023 is filed under Section 482 of Cr.P.C to quash the impugned charge sheet filed in S.C.No.16/2022 on the file of the Special Court for Trial of Cases under SC/ST [Prevention of Atrocities] Act, Thoothukudi District.

2.(ii) The in CrI.O.P.(MD)No.6231/2023 is filed under Section 482 of Cr.P.C to direct the Special Court for the Trial of Cases under SC/ST [Prevention of Atrocities] Act, Thoothukudi to dispose the case in SC.No.16 of 2022 within stipulated time fixed by this Court.

3.(i). The brief facts of the case as stated by the defacto complainant Latha are that in the year 2008, the husband of the defacto complainant purchased lands from one Chandra Leela wife of Joseph comprised in Survey Nos. 143/11, 12, 1A 1B, 2A, 2B, measuring an extent of 5 acres and 34 cents, situated at Thippanoothu Village, Chinnamalaikundru, Ettayapuram Taluk, Thoothukudi District. When the defacto complainant was in need of money for her son's education, they approached one Karuppasamy who demanded to execute a deed for the loan, hence the defacto



complainant's husband executed a sale deed instead of mortgage deed in Doc.No. 2863 of 2008 dated 17.10.2008 after receiving Rs.1,30,000/-. The said sale deed was

executed only for the purpose of security. Further the house in the said land was not given as security, but the land alone was given as security. Even after the sale deed, the petitioner and her husband were doing cultivation and was in possession and enjoyment of the property. Thereafter the said Karuppasamy demanded repayment, which the petitioner could not repay the amount. The said Karuppasamy deliberately sold the property to one Rajendran son of Palaisamy after receiving Rs.1,30,000/- and the said Rajendran is the 1st accused. The 2nd and 3rd accused are the children of the 1st accused. When the petitioner approached the said persons, it was informed that after paying the said amount, the property would be transferred in the defacto complainant name, hence permitted the defacto complainant and her husband to continue cultivating the land. Subsequently the defacto complainant approached the 1st accused to return the amount of Rs.1,30,000/- along with interest but the accused refused to receive the amount and refused to execute sale deed in favour of her husband as agreed by them. The value of the property is several lakhs, hence the said Karuppasamy in order to cheat the petitioner had sold to the said Rajendran / 1st accused for Rs.1,30,000/-. The 1st accused is a habitual offender and several cases are pending against him. The contention of the defacto complainant is that the 1st accused along with his sons who are the 2nd and 3rd accused in order to vacate the land had created forged documents and threaten the defacto complainant. On



30.01.2022 the accused persons came with rowdy elements in car as well as two wheelers and trespassed into the property while the defacto complainant was in her house and uttered filthy languages against her caste who belongs to ST community and damaged the front door and threatened with dire consequences. Hence, a complaint has been registered against the accused in Crime No.36 of 2022 for the offences under sections 294(b), 506(2), 354A(1)(ii), 354A(1)(iii), 354A(1)(iv) of IPC and section-4 of TNPHWA and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(g) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act which culminated in the filing of S.C.No16/2022 on the file of the Special Court for Trial of Cases under SC/ST [Prevention of Atrocities] Act, Thoothukudi District. The Trial Court has issued summons to the accused, but the accused is prolonging the Trial, hence the present petition in CrI.O.P.(MD)No.6231/2023 is filed to complete the Trial S.C.No16/2022 within stipulated time.

3.(ii) The brief facts as stated by the accused are that the defacto complainant had lodged a complaint alleging that in the year 2008 the defacto complainant's husband had purchased the land admeasuring 5 acres 34 cents, subsequently the defacto complainant's husband had sold the property to one Karuppasamy, who in turn had sold the property to the 1st accused. The 1st accused allowed the defacto complainant and her husband to cultivate the land but the defacto complainant had



not paid the amount, hence the 1st accused wants to recover the property. Hence all the accused entered the property and threatened her with unparliamentarily words.

Hence the complaint. But the contention of the accused is that after sale to the 1st accused, patta was mutated and patta stands in the name of the 1st accused in Patta No.995 and 1067. Even though the accused purchased the land, but allowed the defacto complainant and her husband to cultivate the land so that their basic livelihood is not disrupted, since they are poor compared to the 1st accused. Infact the 1st accused and the defacto complainant's husband are brothers. However, the defacto complainant and her husband wants to usurp and illegally occupy the land and lodged the false complaint. At one point of time the 1st accused is in need of the land for his own purpose, when requested to vacate the defacto complainant in order to wreak vengeance had preferred the complaint. The issue between the parties is pure civil hence the complaint ought to be quashed. Further both the 1st accused and the defacto complainant's husband are brothers and belong to same Malipandaram Community, hence the offences under SC/ST Act would not be attracted, hence the quash petition.

4. Heard M/s.A.Victoria, the Learned counsel appearing for the petitioners, Mr.E.Antony Sahaya Prabhakar, the Learned Additional Public Prosecutor appearing for the 1st respondent, Mr.Herold Singh, the Learned counsel appearing for the 2nd



respondent, Mr.F.X.Eugene, the Learned Counsel appearing for the 3rd respondent and perused the records.

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5. After hearing the rival submissions, this Court had given its anxious consideration.

6. Based on the FIR and investigation, the respondent police had filed charge sheet and the accused are facing charges under sections 294(b), 354(A)(1)(ii), 354(A)(1)(iii), 354(A)(1)(v) and 506(ii) of IPC and section 4 of TNPHW Act and sections 3(1)(r), 3(1)(s), 3(2)(Va), 3(1)(g) of SC/ST Amendment Act, 2015. The contention of the petitioner / accused is that none of the sections are applicable to the present facts of the case. In order to consider the rival claims, the Court proceeded to consider each section.

7. The primary contention is that the section 294(b) is not applicable and the relevant section is extracted hereunder:

“Section 294. Obscene acts and songs. —Whoever, to the annoyance of others,

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.”



The allegation against the accused is that they uttered unparliamentary words against the defacto complainant. The said section would be attracted if a person sings, recites

or utters any obscene song, ballad or words, in or near any public place. In the present case the defacto complainant had alleged that the accused had trespassed into their land. Further in the statement the defacto complainant's husband has stated that there are no other house nearby their house and the said incident was not seen by any person. Hence, admittedly the place of occurrence is in the agriculture field and outside the house of the defacto complainant which is situated within the agriculture field. Further no other person has seen the alleged incident / act. Hence the said place cannot be stated as public place and the alleged act has not happened in public view. Therefore, the said section would not be attracted.

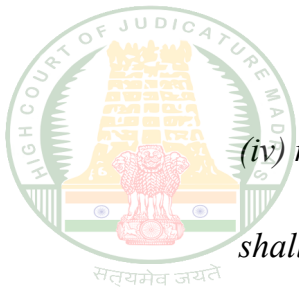
8. The next contention is that the sections 354(A)(1)(ii), 354(A)(1)(iii), 354(A)(1)(v) are not applicable and the relevant section is extracted hereunder:

"354A. Sexual harassment and punishment for sexual harassment.—(1) A man committing any of the following acts—

(i) physical contact and advances involving unwelcome and explicit sexual overtures; or

(ii) a demand or request for sexual favours; or

(iii) showing pornography against the will of a woman; or



(iv) *making sexually coloured remarks,*

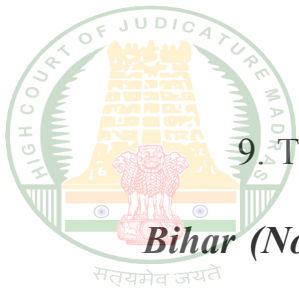
shall be guilty of the offence of sexual harassment.

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(2) *Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.*

(3) *Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."*

The Sections 354A, 354B, 354C and 354D was enacted after horrific ***Nirbhaya case***, when it was realized that existing laws are not strong enough to protect women from everyday harassment. The said section is a specific law against sexual harassment and covers four main types of unwanted behavior. The scope and ingredients of the offence “sexual harassment” ought to be considered based on the definition of the word “sexual harassment”, but it is not defined anywhere. The dictionary meaning of the word “sexual harassment” as stated in Black’s Law Dictionary is “as type of employment discrimination, includes sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature prohibited by law”. Before considering the offence under section 354A it is necessary to consider the offence under section 354.



9. The Hon'ble Supreme Court in the case of *Tarkeshwar Sahu Vs. State of Bihar (Now Jharkhand), Appeal (Crl.) 1036 of 2005*, on 29.09.2006, laid down

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the ingredients required to prove charge under Section 354 IPC. The Bench of Justice S. B. Sinha and Justice Dalveer Bhandari, held:-

"354. Assault or criminal force to woman with intent to outrage her modesty.- Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

So far as the offence under Section 354 IPC is concerned, intention to outrage the modesty of the women or knowledge that the act of the accused would result in outraging her modesty is the gravamen of the offence.

The essence of a woman's modesty is her sex. The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive. Modesty is an attribute associated with female human beings as a class. It is a virtue which attaches to a female owing to her sex.

'Modesty' is given as "womanly propriety of behaviour, scrupulous chastity of thought, speech and conduct (in man or woman); reserve or sense of shame proceeding from instinctive aversion to impure or coarse suggestions".

The ultimate test for ascertaining whether the modesty of a woman has been outraged, assaulted or insulted is that the action of the offender should be



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such that it may be perceived as one which is capable of shocking the sense of decency of a woman. A person slapping on the posterior of a woman in full public glare would amount to outraging her modesty for it was not only an affront to the normal sense of feminine decency but also an affront to the dignity of the lady.

The word 'modesty' is not to be interpreted with reference to the particular victim of the act, but as an attribute associated with female human beings as a class. It is a virtue which attaches to a female on account of her sex.

We deem it appropriate to reproduce the cases of various Courts indicating circumstances in which the Court convicted the accused under Section 354 IPC.

In [State Of Kerala v. Hamsa](#), it was stated as under:-

"What the legislature had in mind when it used the word modesty in Sections 354 and 509 of the Penal Code was protection of an attribute which is peculiar to woman, as a virtue which attaches to a female on account of her sex. Modesty is the attribute of female sex and she possesses it irrespective of her age. The two offences were created not only in the interest of the woman concerned, but in the interest of public morality as well. The question of infringing the modesty of a woman would of course depend upon the customs and habits of the people. Acts which are outrageous to morality would be outrageous to modesty of women. No particular yardstick of universal application can be made for measuring the amplitude of modesty of woman, as it may vary from country to country or society to society."



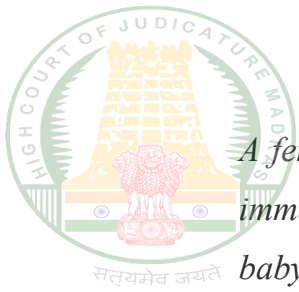
A well known author Kenny in his book "Outlines of Criminal Law" has dealt with the aspect of indecent assault upon a female. The relevant passage reads as under:-

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"In England by the Sexual Offences Act, 1956, an indecent assault upon a female (of any age) is made a misdemeanour and on a charge for indecent assault upon a child or young person under the age of sixteen it is no defence that she (or he) consented to the act of indecency."

In the case of [State Of Punjab v. Major Singh](#) , a three-Judge Bench of this Court considered the question whether modesty of a female child of 7 months can also be outraged. The majority view was in affirmative. Bachawat, J., on behalf of majority, opined as under: "The offence punishable under section 354 is an assault on or use of criminal force to a woman the intention of outraging her modesty or with the knowledge of the likelihood of doing so. The Code does not define, "modesty". What then is a woman's modesty?

The essence of a woman's modesty is her sex. The modesty of an adult female is writ large on her body. Young or old intelligent or imbecile, awake or sleeping, the woman possesses a modesty capable of being outraged. Whoever uses criminal force to her with intent to outrage her modesty commits an offence punishable under Section 354. The culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive, as for example, when the accused with a corrupt mind stealthily touches the flesh of a sleeping woman. She may be an idiot, she may be under the spell of anaesthesia, she may be sleeping, she may be unable to appreciate the significance of the act, nevertheless, the offender is punishable under the section.



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A female of tender age stands on a somewhat different footing. Here body is immature, and her sexual powers are dormant. In this case, the victim is a baby seven and half months old. She has not yet developed a sense of shame and has no awareness of sex. Nevertheless from her very birth she possesses the modesty which is the attribute of her sex."

In [Kanhu Charan Patra v. State Of Orissa Opp. Party.](#), the Orissa High Court stated as under:-

"The accused entered the house and broke open the door which two girls of growing age had closed from inside and molested them but they could do nothing more as the girls made good their escape. On being prosecuted it was held that the act of accused was of grave nature and they had committed the same in a dare devil manner. As such, their conviction u/s 354/34 was held proper."

The High Court of Delhi in the case of [Jai Chand v. State](#) observed as under:-

"The accused in another case had forcibly laid the prosecutrix on the bed and broken her pyzama's string but made no attempt to undress himself and when prosecutrix pushed him away, he did make no efforts to grab her again. It was held that it was not attempt to rape but only outraging of the modesty of a woman and conviction u/s 354 was proper."

In [Raja v. State Of Rajasthan.](#), it was stated as under:-

"The accused took the minor to solitary place but could not commit rape. The conviction of accused was altered from Section 376/511 to one u/s 354."

The Court in [State of Karnataka v. Khaleel](#) stated as follows:

"The parents reached the sugarcane field when accused was in process of attempting molestation and immediately he ran away from the place. There was no evidence in support of allegation of rape and accused was



acquitted of charge u/s 376 but he was held liable for conviction under Section 354/511 IPC."

The Court in **Nuna v. Emperor** stated as follows:-

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"The accused took off a girl's clothes, threw her on the ground and then sat down beside her. He said nothing to her nor did he do anything more. It is held that the accused committed an offence under Section 354 IPC and was not guilty of an attempt to commit rape."

The Court in **Bishewhwar Murmu v. State** stated as under:-

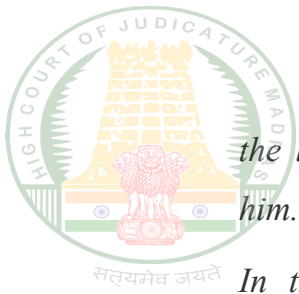
"The evidence showed that accused caught hold hand of informant/ victim and when one of the prosecution witnesses came there hearing alarm of victim, offence u/s 376/511 was not made out and conviction was converted into one u/s 354 for outraging modesty of victim."

The Court in **Keshab Padhan v. State of Orissa** stated as under:-

"The test of outrage of modesty is whether a reasonable man will think that the act of the offender was intended to or was known to be likely to outrage the modesty of the woman. In the instant case, the girl was 15 years of age and in the midnight while she was coming back with her mother the sudden appearance of the petitioner from a lane and dragging her towards that side sufficiently established the ingredients of section 354"

The Court in [Ram Mehar v. State Of Haryana](#) stated as under:-

"The accused caught hold of the prosecutrix, lifted her and then took her to a bajra field where he felled her down and tried to open her salwar but could not do so as in order to make the accused powerless the prosecutrix had injured him by giving a blow of the sickle. The accused failed to give his blood sample with the result it could be presumed that his innocence was doubtful. Ocular evidence of prosecutrix was also corroborated by other evidence. It was held that conviction of accused u/s 354, 376/511 was proper but taking



the lenient view only two years RI and a fine of Rs.1000/- was imposed on him."

In the case of [Rameshwar v. State of Haryana](#), the Court observed as follows:-

"Whether a certain act amounts to an attempt to commit a particular offence is a question of fact dependant on the nature of the offence and the steps necessary to take in order to commit it. The difference between mere preparation and actual attempt to commit an offence consists chiefly in the greater degree of determination. For an offence of an attempt to commit rape, the prosecution must establish that it has gone beyond the stage of preparation."

The Court in ***Shokut v. State of Rajasthan*** stated as follows:-

"The accused took the prosecutrix nurse for the purpose of attending a patient but on way he tried to molest her and beat her also. The accused was held guilty u/s 354/366 IPC as he by deceitful means had taken the prosecutrix from her house and had then outraged her modesty."

10. The above cases are dealt with under section 354 assault on women. Now the section 354A states the following acts shall be treated as sexual harassment:

- i. *Physical contact and advances made with clear sexual intent.*
- ii. *A demands or requests for sexual favors.*
- iii. *Showing pornography against will of a woman.*
- iv. *Making sexually colored remarks that makes uncomfortable.*



The above are the ingredients of the offence and commission of one or more of the above acts shall attract Section 354A. In the present case the allegation against

the accused is that during wordy quarrel they showed their private parts and also threatened to cut the defacto complainant breast. The above act would not come with the purview of (i) and (ii). The said allegation may come under (iii) and (iv). However it is seen except for the defacto complainant and her husband, none spoken about the said act. The third parties namely Karuppasamy and Alagu who intended to purchase the property were present in the scene of occurrence but they never stated such act was committed by the accused in their statements. Infact they had stated that the defacto complainant and her husband were inside the house, through window they started shouting at them and when they understood that there is dispute in the property they declined to purchase the said property and left the place. From the materials available, there are no ingredients to show that the accused had committed any act of sexual harassment to the defacto complainant. The defacto complainant and her husband had stated in the statements that they had submitted photos and pen drive as evidence. This Court perused the file and on perusing the photos no such act of exhibiting the private parts of the accused is available. Hence the alleged act is false. Therefore, this Court is of the considered opinion that the said section under section 354A is not applicable to the present case.



11. The next contention is that section 4 of TNPHW Act is not applicable and the relevant portion of the section is extracted hereunder:

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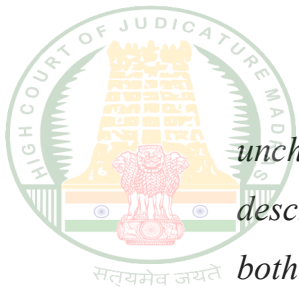
"4. Penalty for harassment of women.— *Whoever commits or participates in or abets harassment of women in or within the precincts of any educational institution, temple or other place of worship, bus stop, road, railway station, cinema theatre, park, beach, place of festival, public service vehicle or vessel or any other place shall be punished with imprisonment for a term which may extend to three years and with fine which shall not be less than ten thousand rupees."*

This Court has already held while discussing section 354A, that there are no ingredients to prosecute the accused under the said section. Hence for the same reason this Court is of the considered opinion that the section 4 of TNPHW Act is not applicable.

12. The next contention is that the section 506(ii) is not applicable and the said section is extracted hereunder:

"506. Punishment for criminal intimidation.—Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

***If threat be to cause death or grievous hurt, etc.—**and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 1[imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute*



unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

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The said Section is applicable if there is criminal intimidation and the word is defined in section 503 as under:

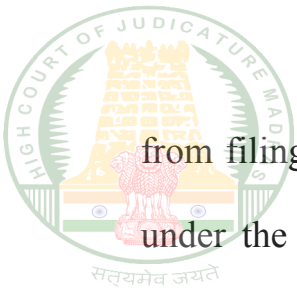
"503. Criminal intimidation.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation."

The said section is applicable if the alleged act falls under the definition of “criminal intimidation”. The said section is applicable when the person threatens to do an act which he is not legally bound to do and also threaten with dire consequences like killing the person, burning the house, causing grievous hurt etc. The illustration stated in the section further clarifies the section wherein it is stated that for resist



from filing a civil suit, if one threatens to burn the house, then the act would come under the definition of “criminal intimidation”. In the present case admittedly the defacto complainant had sold the property to one Karuppasamy who in turn had sold the property to the accused. But the contention of the defacto complainant is that the said sale was executed for security purpose for the loan of Rs.1,30,000/- obtained from the said Karuppasamy and there is an understating that once the said amount is repaid the sale would be cancelled. After the further sale to the accused, again there is an understanding to repay the said amount and cancel the sale. According to the accused the defacto complainant has not repaid the amount, hence the accused insisted to vacate the premises and hand over the land and building. But according to the defacto complainant, she was ready to repay the same but the accused failed to receive it and insisted to vacate the premises based on the sale deed in order to usurp the property. At this juncture there was wordy quarrel, during the course of wordy quarrel unparliamentary words were used by the accused. The above narrated facts would clearly indicate that there is no criminal intimidation rather it is only wordy quarrel with unparliamentary words. Therefore, the alleged act would not come within the section 503 criminal intimidation, consequently section 506(ii) is not applicable.

13. The next contention is that sections 3(1)(r), 3(1)(s), 3(2)(Va), 3(1)(g) of



SC/ST Amendment Act, 2015 is not applicable and the relevant sections are extracted hereunder:

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"3(1)(g): wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression “wrongfully” includes—

(A) against the person’s will;

(B) without the person’s consent;

(C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or

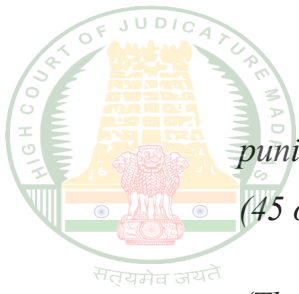
(D) fabricating records of such land;

3(1)(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;

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, —(i), (ii), (iii), (iv), (v)...

(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be



punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;

(The section 3(2)(va) was inserted with effect from 26-1-2016)"

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The above sections are applicable if the accused belongs to other community i.e. other than SC/ST community. In the present case, the defacto complainant has claimed that her husband belongs to ST community. But according to the accused, the defacto complainant belongs to Kerala and she does not belong to SC/ST community. It is for this reason the defacto complainant claims that her husband belongs to ST community without disclosing her own community, hence it is evident the SC/ST Act would not be attracted. Further, according to the 1st accused the defacto complainant's husband is the brother of the 1st accused and hence both the 1st accused and the defacto complainant's husband belongs to same SC/ST community, hence the SC/ST Act would not be applicable. But the defacto complainant has not refuted the said claim and is silent regarding the claim of the accused. Therefore, this Court is of the considered opinion that there is no evidence that the defacto complainant belongs to SC/ST community, but only her husband belongs to SC/ST community. Further both the 1st accused and the defacto complainant's husband are brothers and belongs to same SC/ST community and hence the sections 3(1)(r), 3(1)(s), 3(2)(Va), 3(1)(g) of SC/ST Amendment Act, 2015 are not applicable to the facts of the case. Further as held supra there is no usurping the land belonging to the defacto complainant but there is valid sale deed in favour of the 1st accused and after



the said sale, revenue records are mutated in name of the accused and 1st accused is the legal owner of the land as per the sale deed. Hence there is no question of wrongfully dispossessing the defacto complainant. Therefore, this Court is of the considered opinion that the sections 3(1)(r), 3(1)(s), 3(2)(Va), 3(1)(g) of SC/ST Amendment Act, 2015 are not applicable to the present case.

14. The learned Counsel appearing for the defacto complainant vehemently opposed to quash the charge sheet and submitted that the power under section 482 ought to be exercised in exception cases. The said issue is considered in Ramesh Chandra Gupta Vs. State of Uttar Pradesh and others 2022 *LiveLaw* (SC) 993, *Criminal Appeal No(s). ...of 2022 (Arising out of SLP (Crl.) No(s). 39 of 2022)*, the Supreme Court held:

“15. This Court has an occasion to consider the ambit and scope of the power of the High Court under Section 482 CrPC for quashing of criminal proceedings in Vineet Kumar and others Vs. State of Uttar Pradesh and Another, (2017) 13 SCC 369 decided on 31st March, 2017. It may be useful to refer to paras 22, 23 and 41 of the above judgment where the following was stated:

"22. Before we enter into the facts of the present case it is necessary to consider the ambit and scope of jurisdiction under Section 482 CrPC vested in the High Court. Section 482 CrPC saves the inherent power of the High Court to make such orders as may be necessary to give effect to any order under

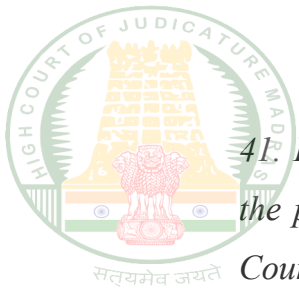


this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice.

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23. This Court time and again has examined the scope of jurisdiction of the High Court under section 482 CrPC and laid down several principles which govern the exercise of jurisdiction of the High Court under section 482 CrPC. A three-Judge Bench of this Court in *State of Karnataka Vs. L. Muniswamy* (1977) 2 SCC 699 held that the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. In para 7 of the judgment, the following has been stated :

“7. ... In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered according to laws made by the legislature. The compelling necessity for making these observations is that without a proper realisation of the object and purpose of the provision which seeks to save the inherent powers of the High Court to do justice, between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction.”

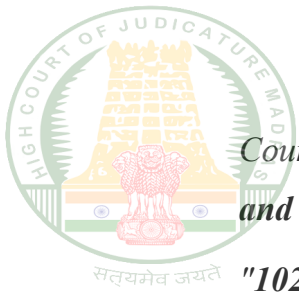


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41. *Inherent power given to the High Court under Section 482 CrPC is with the purpose and object of advancement of justice. In case solemn process of Court is sought to be abused by a person with some oblique motive, the Court has to thwart the attempt at the very threshold. The Court cannot permit a prosecution to go on if the case falls in one of the categories as illustratively enumerated by this Court in State of Haryana v. Bhajan Lal 1992 Supp (1) SCC 335. Judicial process is a solemn proceeding which cannot be allowed to be converted into an instrument of operation or harassment. When there are materials to indicate that a criminal proceeding is manifestly attended with mala fides and proceeding is maliciously instituted with an ulterior motive, the High Court will not hesitate in exercise of its jurisdiction under section 482 CrPC to quash the proceeding under Category 7 as enumerated in State of Haryana v. Bhajan Lal 1992 Supp (1) SCC 335 which is to the following effect :*

"102. (7) Where a criminal proceeding is manifestly attended with mala fides and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." Above Category 7 is clearly attracted in the facts of the present case. Although, the High Court has noted the judgment of [State of Haryana v. Bhajan Lal 1992 Supp \(1\) SCC 335](#) but did not advert to the relevant facts of the present case, materials on which final report was submitted by the IO. We, thus, are fully satisfied that the present is a fit case where the High Court ought to have exercised its jurisdiction under section 482 CrPC and quashed the criminal proceedings."

16. The exposition of law on the subject relating to the exercise of the extraordinary power under Article 226 of the Constitution or the inherent power under section 482 CrPC are well settled and to the possible extent, this Court has defined sufficiently channelized guidelines, to give an exhaustive list of myriad kinds of cases wherein such power should be exercised. This



Court has held in para 102 in **State of Haryana and Others v. Bhajan Lal and Others, 1992 Supp. (1) 335** as under :

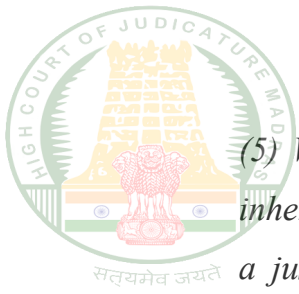
"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under section 156(1) of the Code except under an order of a Magistrate within the purview of section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under section 155(2) of the Code.



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(5) *Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*

(6) *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*

(7) *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

17. The principles culled out by this Court have consistently been followed in the recent judgment of this Court in Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra and Others, 2021 SCC Online SC 315."

Considering the materials on record, guidelines 3 and 7 of para 102 in **State of Haryana and others vs Bhajan Lal and Ors. 1992 Supp. (1) 335** is applicable in the present case. Permitting this case to proceed against the petitioner in such facts and circumstances will be an abuse of the process of law/court and thus against the interest of justice. Further none of the ingredients being prima facie present against the petitioners / accused in respect of the offences alleged as stated supra, the criminal proceeding is liable to quashed. If the petitioner / accused is allowed to face the prosecution then the same would amount to abuse of process of law.



Therefore, this Court is inclined to quash the S.C.No.16/2022 and accordingly quashed for the reasons stated supra.

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15. For the reasons stated supra, this Criminal Original Petition filed in CrI.O.P.(MD)No.2666/2023 is allowed and the S.C.No.16/2022 is hereby quashed. Since the S.C.No.16/2022 is quashed, the direction petition to dispose the S.C.No. 16/2022 within stipulated time filed in CrI.O.P.(MD)No.6231/2023 is hereby dismissed. Consequently, connected miscellaneous petitions are closed.

16. This Court expects the parties to resolve their civil dispute regarding the land in competent Civil Court without indulging in quarrel.

19.06.2026

TMG



TO

1. The Special Judge

Special Court for Trial of Cases under SC/ST [Prevention of Atrocities] Act,
Thoothukudi District.

2. The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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S.SRIMATHY,J

TMG

CRL OP(MD) Nos.2666 and 6231 of 2023

Date : 19.06.2026