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CRL.A.No.888 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl.A.No.888 of 2026

S.Raj Kamal, Age 40, Male,
S/o.Sambath,
No.2/3, Ellaiammann Kovil Street,
Amarambedu Village,
Kundrathur Taluk,
Kancheepuram District - 600 133.

..Appellant(s)

Vs

The State rep by
The Inspector of Police,
Somangalam Police Station,
Kundrathur Taluk,
Kancheepuram District - 600 133.

..Respondent(s)

PRAYER: Criminal Appeal is filed under Section 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated on 21.04.2026 in Crl.M.P.No.437 of 2026 (S.T.C.No.1202/2025) passed by the Principal District and Sessions Court, Kancheepuram, Special Court for Exclusive Trial of cases under SC & ST Act 1989 and consequently direct the respondent to conduct further investigation in Crime No.0046/2022 on the file of Somangalam T11 Police Station, Kancheepuram.

For Appellant(s): Mr.S.Raj Kamal, Party-in-Person

For Respondent(s): Mrs.Sharada Vivek,
Government Advocate (Crl. Side) assisted by
Mr.M.Arul Raj.



JUDGMENT

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This Criminal Appeal is filed to set aside the order dated 21.04.2026 in CrI.M.P.No.437 of 2026 (S.T.C.No.1202 of 2025) passed by the Special Judge, Special Court for the exclusive trial of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Kancheepuram and consequently direct the respondent Police herein to conduct further investigation in Crime No.46 of 2022.

2.The appellant, appearing as Party-in-Person, submitted that he filed petition in CrI.M.P.No.1963 of 2025 before the learned Judicial Magistrate, Sriperumbudur stating that on 03.03.2022, he gave written complaint to the respondent Police against Ramesh, S/o. Ponnusamy, Kalaneethi, S/o. Varadhan, Hari Ramesh, S/o.Thamizharasu and six others alleging caste-based abuse, criminal intimidation and attempts to dispossess him from his ancestral property. According to the appellant, the dispute arose in respect of the formation of concrete road, which sought to be laid cutting across his ancestral property. Since the appellant belongs to the Scheduled Caste community, his objections not considered and attempt made by the Panchayat President, the road contractor and others to usurp his property. Following the incident on 04.03.2022, when the appellant was at his residence, the said Ravindran and Thamizhdasan came to his house, threatened and assaulted him. The appellant



took treatment at Chrompet Government Hospital, and Accident Register issued in that regard. According to the appellant, no action taken on his complaint dated 03.03.2022. Hence, he sent representation to Assistant Commissioner of Police, Manimangalam and directions issued to register case. But the respondent Police registered the case only for offence under Sections 323 and 506(ii) IPC in Crime No.46 of 2022, deliberately omitting the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, due to the political influence of the accused.

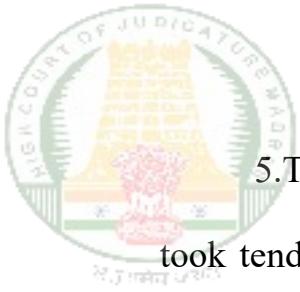
3.He further submitted that on the said petition filed by appellant in Crl.M.P.No.1963 of 2025 seeking direction for proper registration of the case by invoking the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the learned Magistrate, by order dated 02.01.2026 found that there were no specific averments disclosing the essential ingredients of offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in the original complaint and observed that the allegations appears to be improvements and in the absence of any averments in the original complaint, the petition could not be entertained. Further, the learned Magistrate observed, petition seeking invocation of provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the learned Magistrate not competent to examine or decide the applicability of the SC/ST Act provisions, referring to the decision of this Court in **Muniraj v.**



State in W.P.Crl.No.133 of 2025 dated 01.07.2025, and dismissed the petition.

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4.He further submitted that the appellant filed petition before the Special Court for the exclusive trial of cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Kancheepuram, in Crl.M.P.No.437 of 2026, seeking order for further investigation in Crime No.46 of 2022. The learned Special Judge, on perusal of the materials and on considering the submissions made by the appellant and the respondents, found that the appellant seeks further investigation in Crime No.46 of 2022, which is pending trial in S.T.C.No.1202 of 2025 before the learned Judicial Magistrate, Sriperumbudur and that since no original proceeding, final report or complaint was pending before the Special Court, the learned Special Judge held that the petition does not merit consideration. The learned Special Judge further observed that the learned Judicial Magistrate had already dismissed the petition in Crl.M.P.No.1963 of 2025, and hence directed the appellant to approach the competent Court by filing an appropriate petition to redress his grievance, instead of approaching the Special Court directly. The learned Special Judge also observed that the appellant had earlier filed Crl.M.P.No.748 of 2025, in which the learned Magistrate, by order dated 07.07.2025, had directed a preliminary enquiry on the appellant's complaint. Thereafter, it was not known what happened.



5.The appellant further submitted that one Jeevarathinam, S/o.Sigamani, took tender in the year 2000 for laying concrete road in Survey No.410/2027, claiming that the said land was Grama Natham. According to the appellant, the accused persons supported by former Minister of Kancheepuram District, hence, the Police not taken appropriate action. He further submitted that the then Commissioner of Police, Tambaram, also directed the Panchayat President, Vice President and others not to encroach upon the appellant's ancestral land. Despite the same, by using political influence, all committed the offences. Since the land belonging to members of Scheduled Caste community was taken over without following due process of law and the appellant threatened and assaulted, he contended that appropriate provisions of IPC/BNS and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, ought to be included.

6.The learned Government Advocate (Crl. Side), appearing for the respondent Police, submitted that on the complaint of the appellant, investigation completed and charge sheet filed in S.T.C.No.1202 of 2025 against Ramesh, S/o.Ponnusamy, Kalaneethi, S/o.Varadhan and Hari Ramesh, S/o.Thamizharasu, for offence under Sections 323 and 506(ii) IPC. The case is now posted for questioning of the accused on 05.10.2026. She further submitted that, on the complaint of Ponramesh, a case registered against the appellant in Crime No.45 of 2022, investigation completed and charge sheet



filed, which is pending trial before the same learned Magistrate in C.C.No.392 of 2025 for offence under Sections 341, 294(b), 352 and 506(ii) IPC. The said case is now posted for the appearance of the accused, namely, the appellant herein, on 21.09.2026. She fairly submitted that both the cases are in the nature of a case and counter-case, hence, to be tried together but separately. She further submitted that the contentions raised by the appellant can be seen during trial and thereafter, appropriate petition can be filed to include additional charges and additional accused including the offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant is now seeking to include in the present charge sheet subsequent incidents which allegedly took place in the year 2024, and to include additional offences which cannot be done. Hence, he prays for dismissal.

7.On the submissions and on perusal of the materials, it is seen that the case originates from Crime No.46 of 2022, registered on 04.03.2022 against Ramesh, Kalaneethi and Hari Ramesh for offence under Sections 323 and 506(ii) IPC. On perusal of the complaint, it is seen that on 02.02.2022, the appellant submitted objection petition along with video, stating that the property to the extent of 16 cents in Survey No.411 belonged to him and he was in possession and enjoyment. According to the complaint, on 03.02.2022, Ramesh, Kalaneethi and Hari Ramesh came to the appellant's property, made arrangements for laying concrete road and made markings. When the appellant



objected, he was slapped, hit on his private part and threatened. Thereafter, the appellant lodged complaint to the respondent Police on 04.02.2022, pursuant to which, the case in Crime No.46 of 2022, registered, investigation conducted, seven witnesses' statement recorded and documents collected, on completion of investigation, charge sheet filed before the learned Judicial Magistrate, Sriperumbudur, and the case is pending trial in S.T.C.No.1202 of 2025. Subsequently, petitions seeking further investigation and to include certain persons as accused and to include provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, all dismissed.

8.Today, the appellant/defacto complainant filed memo, once again reiterating that he is a resident of Amarapedu Village and that Survey No.411, covered by Patta No.109, has been in the possession and enjoyment of his family for more than 150 years. It is an ancestral property. He further submitted that Patta No.555 was subsequently issued in respect of the said property, for which he raised objection. According to the appellant, in the year 1950, the property was in the possession and enjoyment of his grandfather, Natesan. Despite the same, attempt made to lay concrete road cutting into his property. On his objections, the Block Development Officer directed Panchayat President, Vice President Ramesh and Parasuraman not to proceed with the work. Despite the said direction, according to the appellant, a concrete road laid in Survey No.411 by projecting different survey number, namely, Survey



No.534/3A3, and justifying that the said survey number formed part of patta No.555.

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9.The grievance of the appellant is that the respondent Police, after investigation, filed charge sheet for offence under Sections 323 and 506(ii) IPC alone, without incorporating serious offences committed by the accused and without including Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. For the said grievance the appellant approached the learned Judicial Magistrate, Sriperumbudur, and thereafter the Special Court, but both the petitions came to be dismissed.

10.On completion of investigation in Crime No.46 of 2022, charge sheet already filed in S.T.C.No.1202 of 2025. The appellant, even before this Court, reiterates he is in possession of electronic evidence and other documentary evidence in support of his complaint justifying inclusion of offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is open to the appellant to place such materials before the trial Court during his evidence in S.T.C.No.1202 of 2025 and it is for the trial Court to consider the evidentiary value and relevance of such materials during the course of trial and can take a call.



11. With regard to involvement of the other accused and invoking other IPC offences and the offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, it has to be first brought in evidence during trial, thereafter, the appellant to file a petition under Section 319 Cr.P.C./357 of BNSS in this regard.

12. It is not in dispute that S.T.C.No.1202 of 2025 arising out of Crime No.46 of 2022 and C.C.No.392 of 2025 arising out of Crime No.45 of 2022 are in the nature of case and counter-case. In such circumstances, in order to avoid conflicting findings, the learned Judicial Magistrate, Sriperumbudur is directed to try both cases together, but conduct the trial separately and dispose of both the cases on the same day, in accordance with law.

13. This Criminal Appeal is disposed of with the above observation.

17.08.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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M.NIRMAL KUMAR, J.

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To

- 1.The Special Judge,
Special Court for the exclusive trial of cases under the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989,
Kancheepuram.
- 2.The Inspector of Police,
Somangalam Police Station,
Kundrathur Taluk,
Kancheepuram District - 600 133.
- 3.The Public Prosecutor,
Madras High Court.

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