

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.07.2016****CORAM:****THE HONOURABLE Dr. JUSTICE S.VIMALA****CrI.O.P. (MD) No.7569 of 2016**

Ramesh

.. Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 2nd respondent to register the FIR based on the petitioner's complaint dated 07.04.2016 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.R.Mohana Sundharam
For Respondents : Mr.K.V.Rajarajan
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the second respondent to register a case based on the complaint of the petitioner dated 07.04.2016.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondents.

3.According to the learned Government Advocate (CrI. Side), petition enquiry has been conducted and complaint has been closed.

4.It is represented by the learned counsel for the petitioner that when the petitioner and his friends were standing in front of the Paramakudi Sub Registrar's Office, the accused persons came there, degraded and abused the petitioner and his friends by using the name of caste and also threatened them in dire consequences. It is further represented that as the offence



alleged is under SC/ST Act, investigation should be conducted by an officer, not below the rank of Deputy Superintendent of Police and therefore, the second respondent has no jurisdiction to conduct enquiry in this case and close the same.

4.1. There is a distinction between enquiry and investigation. The investigation is expected to be done by a Police Officer not below the rank of Deputy Superintendent of Police and this is not applicable to the enquiry to be conducted, but it is represented that there are prima facie allegations and materials that would make out an offence under the provisions of SC/ST Act. It is also alleged that the complaint itself discloses the existence of a cognizable offence.

5. Under such circumstances, closure report made by the Inspector of Police/2nd respondent is set aside and the 1st respondent is directed to appoint an officer not below the rank of Deputy Superintendent of Police to conduct enquiry and to pass orders in accordance with law. On such appointment, the concerned Investigation Officer is directed to expedite the enquiry and complete the same within a period of one month from the date of receipt of a copy of this order. During the course of enquiry, if any cognizable offence is made out, the Investigation Officer shall take action in accordance with the law laid down by the Hon'ble Apex Court in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**. In case of closure of the complaint, a copy of the closure report be furnished to the petitioner within a week of such closure. On receipt of the same, it is open to the petitioner to work out his remedy in the manner known to law.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.

2. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.

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

+1 cc to M/s.S.Vijayakumar, Advocate in SR.No.34571

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