

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15329 of 2020

M.Nandhini

...Petitioner

Vs.

- 1.The Director,  
National Commission for Schedule Caste,  
ShastriBhavan,  
Block No.V, 2nd Floor,  
No.26, Haddows Road,  
Nungambakkam, Chennai 600 006.
- 2.The Director General of Police Tamil Nadu,  
Mylapore, Chennai 600 004.
- 3.The Inspector of Police,  
All Women Police Station,  
W-24, Teynapet,  
Anna Salai,  
Chennai 600 006.

4.M.Muthamizhan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 2nd respondent to instruct the 3rd respondent to forthwith file an altered FIR in Crime No.08 of 2019 on the file of 3rd respondent to include the relevant provisions of law under provisions of SC and ST (Prevention of Atrocities) Act and Women Harassment Act along with Section 498A, 506(ii) of IPC against the 4th respondent and his relatives and complete the same within a time frame as may be fixed by this Hon'ble High Court.

For Petitioner : Mr.S.Silambannan, Senior Counsel  
for M/s.Kaavya Silambanan Associates

For Respondents: Mr.S.Karthikeyan,  
1 to 3 Additional Public Prosecutor.

## ORDER

This petition has been filed seeking to direct the 2nd respondent to instruct the 3rd respondent to forthwith file an altered FIR in Crime No.08 of 2019 on the file of 3rd respondent to include the relevant provisions of law under the provisions of SC and ST (Prevention of Atrocities) Act and Women Harassment Act along with Section 498A, 506(ii) of IPC against the 4th respondent and his relatives and complete the same within a time frame as may be fixed by this Hon'ble High Court.

2. The learned Senior counsel appearing for the petitioner submitted that though the National Commission for Schedule Caste directed the third respondent to include the offences under the SC and ST Act and also Women Harassment Act, the third respondent did not include any of the offences as directed by the National Commission for Schedule Caste. He further submitted that by the communication dated 24.07.2020, in fact, the National Commission for Schedule Caste called for explanation, however, the offences under the provisions of SC and ST Act and also Women Harassment Act were not included in the FIR. In, the complaint lodged by the petitioner itself there is specific allegations to attract the offences under the SC and ST Act as well as the Women Harassment Act.

3. The learned Additional Public Prosecutor would submit that the 3rd respondent completed the investigation in Crime No.8 of 2019 and filed a final report before the XVIII Metropolitan Magistrate, Saidapet, Chennai for the offences under Sections 498A and 506(ii) of IPC. He further submitted that the National Commission for Schedule Caste has no power to issue any show cause notice or call upon the 3rd respondent for any explanation in respect of registering the FIR or including the offences under the SC and ST Act.

4. Heard Mr.S.Silambannan, learned Senior Counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents 1 to 3.

5. On the basis of the complaint lodged by the petitioner, the third respondent has registered the FIR in Crime No.8 of 2019 as against the fourth respondent for the offences under Sections 498A and 506(ii) of IPC. After completion of investigation, the third respondent now filed a final report before the XVIII Metropolitan Magistrate, Saidapet, Chennai as against the 4th respondent and two others and the same is pending for taking cognizance.

6. The learned Senior counsel would contend that though the National Commission for Schedule Caste directed the third respondent to include the offences under the provisions of SC and ST Act and also Women Harassment Act, the third respondent did not include those offences. The National Commission for Schedule Caste cannot direct the third respondent, who is the police authority, to include any offences under the SC and ST Act. Though the National Commission for Schedule Caste has power to enquire the complaint lodged before the commission, they cannot direct any police authority to do anything in respect of registration of FIR or the offences. Further, the third respondent has now completed the investigation and also filed the final report before the Court concerned. Therefore, the prayer sought for in this petition is devoid of merits and the same is liable to be dismissed.

7. With the above observations, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to workout his remedies under Sections 216 and 319 of Cr.P.C., before the trial Court during the trial by let in evidence.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director,  
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4.The Public Prosecutor,  
High Court, Madras.

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