



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13683 of 2021

V.Sivakumar

... Petitioner

Versus

1.The State:

Rep.by its Superintendent of Police
District Police Head Quarters
Mayiladuthurai & Dist.

2.The Inspector of Police
Mannalmedu Police Station
Mayiladurai Dist.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the FIR on the complaint dated 25.06.2021 which was sent by registered post on 28.06.2021.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.A.Damodharan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the FIR on the complaint dated 25.06.2021 which was sent by registered post on 28.06.2021.

2. It is the case of the petitioner that on 25.06.2021, he sent a representation to the first respondent to take action for the assault made on him and also to his cousin brothers on 13.06.2021. Further, the petitioner's properties viz., car, motor bike and house have been damaged. This has been done by the assailants for the only reason that the petitioner belongs to Schedule Caste community. The petitioner hailing from lower stratum of the society and now settled with own House and Car, which has become an eyesore to the caste group and they assaulted. Though he made a complaint, no action has been taken



on his representation. Hence, the above petition.

3. The grievance of the petitioner is that the petitioner completed Master Degree in Chemistry and he has been worked last 25 years in Pharmaceutical Industries and at present working as a General Manager in one of the US Pharmaceutical Company at Chennai. Due to Covid-19 pandemic, he had returned from Hyderabad and stayed with his parents in his native at Mayiladuthurai (Taluk & Dist). Two persons namely, one Sekar and Kubendiran had attacked the petitioner raising objection why he came to that place with Andra Pradesh registered vehicle. Thereafter, they assaulted the petitioner, and he got treatment in Government, Hospital, Mayiladuthurai. After his treatment, he had taken back to his residence. Earlier, through Hospital the assault was informed to the police. In the meantime, the Panchayat President called the petitioner and informed that the issue could be resolved through talks. Believing the same, without giving any further complaint, the petitioner went to his house. At that time, 15 persons who belong to the caste group brutally attacked his cousin brother namely Silambarasan and Suresh Kumar and the properties belongs to him have been damaged, including two cars, three motor bikes furnitures, window and the other articles. Despite the production of listed photographs of the damaged properties and also the injuries sustained, the respondent police have not taken any action.

4. The learned Government Advocate (Crl.Side) has submitted that in this case, for the same set of facts, one Silambarasan, who is the cousin brother of the petitioner herein, had lodged a complaint on 14.06.2021 for the offence under Sections 147, 148, 294(b), 323, 324, 427, 506(ii) and 307 of IPC r/w 3(1) ©, 3(1) (S), 3(2) (Va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, and an FIR has been registered in Crime No.522 of 2021.

5. From the typed set of papers filed by the petitioner, it is seen that the accused in this case, viz., one Kubendran filed a counter complaint and an FIR has been registered in Crime No.521 of 2021 dated 14.06.2021. On the date of occurrence, i.e., on 13.06.2021 at about 5.00 p.m., this case has been registered for the offence under Sections 147, 148, 294(b), 324 and 506(ii) IPC against the 10 persons. In the said complaint, the petitioner herein is the first accused. Out the 10 named accused persons, eight named accused had filed an Anticipatory Bail application before the Sessions Court, Nagapattinam in Crl.M.P.No.1765 of 2021 and anticipatory bail was granted to A1 to A7 & A10 by the order dated 24.06.2021.

6. As regards Crime No.522 of 2021, there are totally four accused have been arrested and thereafter, granted bail. From



the photographs produced, it is apparent that the complainant sustained serious injuries on the vital parts of the body and extensive damages caused to the vehicles and properties. However, the grievance of the petitioner herein has not been addressed. From the representation of the petitioner dated 25.06.2021, it is seen that the petitioner has narrated the sequence in detail along with the materials and produced postal receipts, but what action has been taken by the respondent police is not known.

7. In view of the same, this Court directs the Deputy Superintendent of Police to investigate the Crime No.522 of 2021 as per the SC/ST Act and also consider the representation of the petitioner dated 25.06.2021 and the first respondent/Superintendent of Police shall monitor the same. The petitioner shall appear before the concerned officer along with a copy of the complaint and the other materials available with him on 18.08.2021 and thereafter on future dates, if necessary. Thereafter, the Deputy Superintendent of Police, shall conduct the investigation on the materials produced by the petitioner. Since already Crime No.522 of 2021 had been registered, the grievance of the petitioner shall form part of the investigation in Crime No.522 of 2021. The Superintendent of Police as well as the Deputy Superintendent of Police and other public officials are reminded that this is a case under SC/ST Act, and hence, it is the duty cast upon them to conduct investigation without any delay and complete the investigation as contemplated in the Act.

With the above observations and directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna

To

1.The District and Sessions Judge
Nagapattinam.

2.The Judicial Magistrate No.1,
Mayiladuthurai.



3.The Deputy Superintendent of Police
Nagapattinam.

4.The Superintendent of Police
District Police Head Quarters
Mayiladuthurai & Dist.

5.The Inspector of Police
Mannalmedu Police Station
Mayiladurai Dist.

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Vijendran, Advocate, S.R.No.39179

CRL.O.P.No.13683 of 2021

NR(CO)
SB(17/08/2021)