

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.18957 OF 2021

K.Prabakaran

...Petitioner

Versus

1.The Superintendent of Police
Villupuram District.

2.The Deputy Superintendent of Police
Tindivanam Taluk,
Villupuram District.

3.Mr.Vinayaga Murugan
The Inspector of Police
Vikkiravandi Police Station
Villupuram District.

4.Mr.Arunachalam
The Special Sub-Inspector of Police
Periyathatchur Police Station
Villupuram District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first and second Respondents to conduct an administrative enquiry and register a case under Section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 against the third and fourth Respondents on the basis of the complaint dated 28.08.2021 made by the Petitioner and further direction to the second Respondent to complete the investigation within 60 days as stipulated in Rule 7 thereof and within the time frame fixed by this Court.

For Petitioner : Mr.C.Rajaguru

For Respondents : Mr.L.Baskaran for R1 & R2
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the first and second Respondents to conduct an administrative enquiry and register a

case under Section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 against the third and fourth Respondents on the basis of the complaint dated 28.08.2021 made by the Petitioner and further direct to the second Respondent to complete the investigation within 60 days as stipulated in Rule 7 thereof.

2. This petition has been filed by the Petitioner/K.Prabakaran, seeking directions to the respondents 1 and 2 to investigate the complaint made against the respondents 3 and 4.

3. It is the grievance of the petitioner that an offence under Section 4 of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act 1989, was committed by the third and fourth Respondents. Subsequently, the Respondents Police are threatening the witnesses. Hence, the present petition.

4. The Learned Government Advocate (Crl.Side) vehemently objects the line of arguments of the Learned Counsel for the Petitioner stating that the statements of the witnesses were recorded by the Learned Judicial Magistrate No.II, Tindiavanam, wherein the witnesses had not spoken about any atrocities committed by any one. Under those circumstances, based on the copies of 161 statements received from the Court of the Learned Judicial Magistrate No.II, Tindivanam, the Investigating Officer had closed the case as a mistake of fact.

5. In the light of the above, the arguments of the Learned Counsel for the Petitioner cannot be accepted. Hence, this Petition is dismissed.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

dna

To

- 1.The Superintendent of Police
Villupuram District.
- 2.The Deputy Superintendent of Police
Tindivanam Taluk,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

Copy To

The Judicial Magistrate No.II,
Tindivanam.

+1cc to Mr.C.Rajaguru, Advocate Sr.No.35041

Crl.O.P.No.18957 of 2021

PL(CO)
RVM(11/07/2022)