



Crl.R.C.No.1086 of 2021

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No.197 of 2021 on the file of the Sessions Judge for Special Court for SC/ST Cases, Namakkal and set aside the same and direct the respondent to register the complaint of the petitioner dated 29.07.2021.

2.The learned counsel for the petitioner submits that the petitioner has given two complaints dated 29.07.2021 & 09.08.2021 to the respondent police and the Superintendent of Police, Namakkal, respectively against the President, M/s.Kongu Vellalar Trust, Kabilarmalai and The Secretary/APIO, Village Panchayath, Kabilakkuruchi, but they have not registered the complaints. Subsequently, the petitioner has given a private complaint dated 31.08.2021 before the Sessions Judge, Special Court for SC/ST Cases, Namakkal. The trial Court, without considering the fact, rejected the complaint on the ground that there was no prima facie case made out. Hence, the present criminal revision case has been filed.

3.The learned Government Advocate (Crl.side) for the respondent submitted that on receipt of the petitioner's complaint and after enquired the same, the respondent police has given a reply to the petitioner's



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complaint dated 17.08.2021 stating that if the petitioner was not satisfied with the reply of the Block Development Officer, he has to file an appeal.

4.I have considered the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) for the respondent.

5.On perusal of the records, the fact reveals that a petition was filed by the petitioner under Section 156(3) of Cr.P.C before the Sessions Judge, Special Court for SC/ST Cases, Namakkal, seeking direction against the Inspector of Police, Jedarpalayam to register the complaint dated 29.07.2021 and to furnish a copy of FIR so registered and to charge P.Jawahar, SI of Police Jedarpalayam u/s.4(1) of the Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Amended Act 2015 for not registering FIR in the complaint and to book him u/s.166, 192, 218 of IPC.

6.Further it reveals that the petitioner had sent a petition under the Right to Information Act, 2005, dated 08.06.2021 to the Public Information



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Officer, the Block Development Officer and Kabilarmalai Village Panchayat

to furnish the legal status of one M/s.Kongu Kalyana Mandapam situated in Kabilarmalai in accordance with Section 33 of the Tamil Nadu Town and Country Planning Act 1973 and in tune with section 2(8)(b) of the Tamil Nadu Public Buildings(Licensing) Act 1965. In this regard, the Public Information Officer, by his letter dated 25.06.2021 sought objection, if any, from the President, M/s.Kongu Vellalar Trust, Kabilarmalai. The President, M/s.Kongu Vellalar Trust sent a letter stating that the petitioner is misusing the Right to Information Act and indulged in criminal activities by getting information. Hence, the petitioner filed this private complaint against the President of Kongu Vellalar Trust, Kabilarmalai and the Block Development Officer for the offence punishable under Section 3(1)(q) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015. The learned trial Judge, on perusal of the complaint as well as the other documents, found that the President, M/s.Kongu Vellalar Trust, Kabilarmalai, had not stated anything in his objection against the petitioner being a member of SC/ST and not mentioned the petitioner's caste and not made any averment insulting the petitioner as a



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Schedule Caste person and there is no evidence that the President of Kongu Vellalar Trust is knowing the community of the petitioner and the Public Information Officer had not passed any order affecting the petitioner's caste and caused any legal injury or annoyance to the petitioner. Further, the objection of the President of Kongu Vellalar Trust is not addressed to the petitioner. The trial Court did not find any prima facie case for the commission of offence under Section 3(1) SC/ST Act. Hence, dismissed the private complaint.

7. In view of the above, I find no infirmity in the order passed by the trial Court. Therefore, the criminal revision case has no merit, any how, liberty is given to the petitioner to file a fresh complaint with substantive evidence for attract any criminal offence and the trial Court is directed to consider the same on merit and in accordance with law, if any fresh complaint has been made. Accordingly, the criminal revision case is dismissed.

Index : Yes/No
Internet : Yes/No
sms

12.12.2022



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To

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- 1.The Sub Inspector of Police
Jedar Palayam PO-637 203
Namakkal District.
- 2.The Sessions Judge for Special Judge,
Special Court for SC/ST Cases, Namakkal.
- 3.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

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