



Crl.O.P.(MD)No.11730 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.06.2023

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD)No.11730 of 2023

P.Chandrasekaran

... Petitioner

Vs.

- 1.State rep. by
Schedule Caste and Tribe Amenities,
Chennai.
- 2.The Deputy Superintendent of Police,
(Rural) Vallinachiyar Compound,
Dindigul.
- 3.The Inspector of Police,
Taluk Police Station,
Dindigul.
- 4.Saravana Vairava Sundaram @ A.R.Sundar
- 5.Vivek Ramasundar
- 6.Arunachalam
- 7.Chitra Devi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records of the third respondent and set aside the report of the 3rd respondent dated 29.11.2022, which is received by the Judicial Magistrate Court, Dindigul on 01.12.2022 in Cr.M.P.No.



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15241 of 2022 and consequently, direct the second respondent to register FIR against the named accused in the complaint and thereupon, to conduct the investigation on the subject matter of the issue involved in the complaint and file the final report in order to ventilate my grievance.

For Petitioner	: Mr.VR.Venkatesan
For R1	: Mr.B.Nambiselvan
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the entire records of the third respondent and set aside the report of the 3rd respondent dated 29.11.2022, which is received by the Judicial Magistrate Court, Dindigul on 01.12.2022 in Cr.M.P.No.15241 of 2022 and consequently, direct the second respondent to register FIR against the named accused in the complaint and thereupon, to conduct the investigation on the subject matter of the issue involved in the complaint and file the final report in order to ventilate the petitioner's grievance.

2. The learned counsel for the petitioner submitted that without conducting the preliminary enquiry under Special Act, the petitioner's complaint was closed by the third respondent as mistake of fact. He further submitted that the third respondent is not a competent person to investigate the matter, since the case was registered under the Special Act.



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3. A perusal of the complaint shows that a specific allegation has been made against the counter parties and they are abused the petitioner/defacto complainant by calling his caste name. Enquiry undertaken by the Enquiry Officer is not a competent person to make the enquiry.

4. In view of the above, enquiry shall be reopened and the third respondent is directed to produce the entire case files to the second respondent, after due acknowledgment within a period of one week from the date of receipt of a copy of this order. After receiving the entire case files from the third respondent, the second respondent is directed to conduct the enquiry by issuing summons to the petitioner as well as the counter parties. The entire enquiry process shall be completed within a period of 7 days from the date of appearance of the parties.

With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

30.06.2023

Index : Yes/No

Internet: Yes/No

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<https://www.mhc.tn.gov.in/judis>



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Taluk Police Station,
Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.,

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