



Crl.O.P.(MD) No.18724 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.18724 of 2023

T.Murugaiah

...Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tenkasi District.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District.

3.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction to transfer the enquiry to some other agency to conduct further enquiry on the complaint made by the petitioner dated 09.05.2022 and 04.10.2023 pending before the 3rd Respondent within time stipulated by this Court.

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For Petitioner :Mr.I.Pinaygash
For Respondent :Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to issue a direction to transfer the enquiry to some other agency to conduct further enquiry on the complaint made by the petitioner dated 09.05.2022 and 04.10.2023 pending before the 3rd Respondent within time stipulated by this Court.

2. The facts in brief is that the petitioner filed a complaint stating that he is working as a Cook in the hostel attached to the Aadhi Dravidar Welfare Department. Apart from that he is also a State President in Employees Union. On 09.05.2022, he was told that the Warden namely Poomarimuthu was called by the Welfare Department Officer namely, Gunasekaran. Again it was told by Poomarimuthu to come near Rahman Tea Shop. He went to that place, when the accused were present. At that time, the accused person threatened him stating that how he can get information over the internal affairs of the department. They also



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criminally intimidated and tried to assault him. He was insulted by calling his caste name. On the basis of the complaint, enquiry was undertaken not in a proper manner. Seeking transfer of the enquiry, this petition has been filed.

3. Learned Government Advocate (Crl.side) submitted that based upon the complaint given by the petitioner, enquiry was undertaken. During the course of enquiry, it was found that the complaint is a false one. So it was closed on 19.07.2022.

4. On reading of the closure report, it is seen that enquiry was undertaken by the Inspector of Police, Tenkasi Police Station, which is not legal. Learned counsel for the petitioner would rely upon Rule-7 framed under the provisions of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Rules, 1995, which reads as under:

"7. Investigation Officer -

(1) An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government / Director General of Police / Superintendent of Police after taking into account his past experience, sense of ability and



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justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time."

5. Reading of the Rule does indicate that the enquiry officer might be not below the rank of Deputy Superintendent of Police. But here, the Inspector of Police has taken the investigation which is per se illegal in nature. On the sole ground, the closure report is set aside. There shall be a direction to the competent authority namely the Deputy Superintendent of Police, the second respondent herein to take up the enquiry and complete the same.

6. With this direction, this Criminal Original Petition is disposed of.

18.10.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

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Tenkasi District.
- 2.The Deputy Superintendent of Police,O/o.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.
- 3.The Inspector of Police, Tenkasi Police Station, Tenkasi Dsitrict.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.



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