



WEB COPY



CrI.O.P.No.14247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.14247 of 2024
& CrI.M.P.No.8717 of 2024

M.Kandasamy.

... Petitioner/Accused 1

/versus/

1. The Deputy Superintendent of Police,
Rasipuram DSP Office,
Namakkal District.

2. The Inspector of Police,
PS Namagripettai Police Station,
Rasipuram,
Namakkal District.

3. Pivinsuriya.

... Respondents/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, pleaded to call for the records relating to criminal proceedings in Spl.S.C.No.11 of 2023 on the file of the Sessions Judge - Special Court for SC/ST Cases, Namakkal.

For Petitioner : Mr.M.Elango

For R1 & R2 : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side)

For R3 : Mr.W.Camyles Gandhi

ORDER



CrI.O.P.No.14247 of 2024

This Criminal Original Petition is filed to quash the final report filed in Spl.S.C.No.11/2023 on the file of Sessions Judge, Special Court for SC/ST Cases, Namakkal.

2. The short point which is to be considered in this case is that the case and counter case in respect of the same transaction been registered by the 2nd respondent police. However, the case which is now under consideration been investigated by the Deputy Superintendent of Police since the offences under SC/ST Act been involved. Whereas in the counter case, the Station House Officer has investigated the case and filed final report. Thus, based on two FIR's for the same transaction, cases were investigated by two different officers and two final reports filed. Since the investigation for SC/ST Act cases conducted by the Deputy Superintendent of Police and exclusively triable by Sessions Court, the case, which is the subject matter of the quash, is pending before the Sessions Court for SC/ST offences, Namakkal. Whereas, the counter case is pending before the Judicial Magistrate, Rasipuram, in C.C.No.41/2024.

3. The Full bench of this Court had occasioned to consider the issues involved in case and counter case and had laid down extensive guidelines both for Investigating Officer as well as to the Court in view of the Rule 566 of



CrI.O.P.No.14247 of 2024

Police Standing Order. In this case, the investigation been done by two different

Officers of different rank and cases are also tried by two different Courts i.e.,

One by the Magistrate and another by Sessions Judge. This will not render

proper justice to the parties involved and will be against the spirit of the

guidelines issued by this Court in ***T.Balaji and others vs. The State Rep. by,***

The Inspector of Police, New Washermenpet Police Station, Chennai

(CrI.O.P.No.4587 of 2023, dated 08.08.2024).

4. Hence, to meet the ends of justice, it is appropriate that the final report in both cases has to be withdrawn and entrusted to one Investigating Officer to conduct fresh investigation and file report as per the Rule 566 of Police Standing Order and the guidelines laid in *T.Balaji case cited supra* at paragraph Nos.58 & 59.

5. In this case, the petitioner herein is an accused for offence under SC/ST Act. As per the SC/ST Act, the investigation has to be done by the Officer of the rank of Deputy Superintendent of Police. So, it will be appropriate that the very same Investigating Officer investigate the complaint of the petitioner in Crime No.127 of 2023 and file report by following Rule 566 of the Police Standing Order and file final report.



CrI.O.P.No.14247 of 2024

WEB COPY

6. Since certain allegations been made against the Deputy Superintendent of Police who has investigated the case, it is appropriate that the Superintendent of Police shall entrust the investigation of both the cases to some other Police Officer, not below the rank of Deputy Superintendent of Police and direct him to complete the investigation and file final report within a period of four months.

7. With this observation, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

18.10.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The Sessions Judge-Special Court for SC/ST Cases, Namakkal.

2. The Deputy Superintendent of Police,
Rasipuram DSP Office, Namakkal District.

3. The Inspector of Police,
PS Namagripettai Police Station,
Rasipuram, Namakkal District.

4. The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN,J.



WEB COPY



Crl.O.P.No.14247 of 2024

bsm

Crl.O.P.No.14247 of 2024

18.10.2024