



CrI.A.No.160 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.06.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

CrI.A.No.160 of 2022

M.Rajasekaran

...Appellant

Vs.

State rep. by
The Sub Inspector of Police,
Nallur PO-637 203.
Namakkal District.
...Respondent

Criminal Appeal filed under Section 14(A)(2) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act to call for the entire records in connection with the order dated 23.09.2021 passed in Cr.12.No.196 of 2021 on the file of the Sessions Judge, Special Court for SC/ST cases, Namakkal and set aside the same and direct the respondent to register the complaint of the petitioner dated 15.01.2021.

For Appellant : Mr.E.P.Senniyangiri

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor



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ORDER

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This Criminal appeal has been filed by the appellant seeking quashment of the order dated 23.09.2021 passed in Cr12.No.196 of 2021 on the file of the Sessions Judge, Special Court for SC/ST cases, Namakkal and to consequently, direct the respondent to register the petitioner's complaint dated 15.01.2021.

2. It is the case of the appellant that one Ramasamy, s/o Chinnappan had given a complaint dated 4.9.2020 against him, which was registered in Crime No.628/2020, which was at the behest of the former and the present Superintendent of Police, Namakkal as the appellant had lodged a complaint with the National Human Rights commission. On the basis of the complaint, the appellant was taken into custody and was kept under illegal detention and was tortured by the Inspector of Police at Nallur Police Station and, thereafter, remanded on the orders of the learned Judicial Magistrate, Paramathi. Against the high handed acts of the police officials, the appellant went on hunger strike and the appellant was threatened to bring the hunger strike to a close by informing him that more than 20 complaints have been



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received against him. Due to the police atrocities, the appellant has been made to suffer. It is the further case of the appellant that on 21.01.2021 he addressed a complaint to the Superintendent of Police, Namakkal, which was returned by citing that the appellant can move the court and get the case registered by disproving the case against him. The complaint had been lodged against the police officials for an offence under the provisions of the SC/ST Act and non-registration of the same, the petition was filed before the court below. The court below, after taking into consideration the materials and also adverting to the provisions of the SC/ST Act held that no case has been made out and that the complaint lodged by the appellant is a mere counter-blast to the case pending against him in Crime No.638/2020 and, accordingly, dismissed the petition. Aggrieved by the same, the present appeal has been filed.

3. Learned counsel appearing for the appellant submits that in the case of complaints u/s the SC/ST Act, preliminary enquiry is not required for registration of FIR and that cognizance has to be taken by the trial court on a public servant in accordance with Section 4 (3) of the SC/ST Act. It is the



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further submission of the learned counsel that the appellant is a senior citizen and the false arrest of the appellant has been made at the behest of certain influential persons with a view to tarnish his image and that in the course of enquiry, the appellant has suffered injuries, which were caused by the police officials. However, without properly appreciating the same, the court below has rejected the complaint, which deserves interference at the hands of this Court.

4. On the above contentions, this court heard the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5. A careful perusal of the materials on record reveal that the provisions of SC/ST Act can be invoked only against a person who does not belong to SC/ST community, and that the said act is perpetrated against a member of the SC/ST community. However, there is no material on record evidencing the details of the community to which the appellant belongs. With averring the community of the appellant, the appellant cannot invoke



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the provisions of the SC/ST Act. Further, the prayer for registration of a case against the Sub Inspector of Police was also negatived as no recommendation for registering the charge has been made, which is in pursuance of an administrative enquiry. Further, the person against whom the said charge is to be laid should not be a member of the SC/ST community, however, the community to which the Sub Inspector of Police belongs has also not been averred.

6. The above act of the appellant clearly reveals that the appellant, as a counter-blast to the complaint filed against him in Crime No.638/2020 has filed the present complaint against the police officials by invoking the provisions of the SC/ST Act, which cannot be permitted. Further, the reasons recorded by the court below are just and reasonable and properly appreciating the legal principles and the same cannot be said to be arbitrary, illegal or perverse and, therefore, this court is of the considered view that no interference is warranted with the said order.



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WEB COPY 7. For the reasons aforesaid, this criminal appeal fails and the same is dismissed.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To

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



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M.DHANDAPANI, J.

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