



Crl.O.P.(MD)No.14782 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14782 of 2024

and

Crl.M.P.(MD)No.9237 of 2024

Kanniappan

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Deputy Superintendent of Police,
Valliyoor Division,
Tirunelveli District.

3.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the final report in the above case in P.R.C.No.6 of 2024 on the file of the learned Judicial Magistrate Court, Radhapuram, Tirunelveli District and to re-investigate the above case in Crime No.316 of 2023 on the file of the second respondent police under the supervision of the above first respondent and to file a fresh final report within a time stipulated by this Court.



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For Petitioner : Mr.A.Rajaram
For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to set aside the final report in P.R.C.No.6 of 2024 on the file of the Court of Judicial Magistrate, Radhapuram, Tirunelveli District.

2. It is evident from the records that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.316 of 2023 on 23.07.2023 for the offences under Section 302 IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 against unknown persons and after initial investigation, the respondent police found the involvement of three accused and after completing the investigation, the third respondent has filed a final report before the Judicial Magistrate, Radhapuram for the offences under Sections 302, 294(b), 324, 342, 34 and 114 IPC and the same was taken on file in P.R.C.No.6 of 2024.



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3. The main contention of the petitioner is that though FIR came to be registered under the provisions of SC/ST (POA) Act, they have not included the said provisions in the charge sheet, that the police has not taken into account the confession statement given by the first accused and that therefore the investigation was not conducted properly.

4. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that even the petitioner in his statement recorded under Section 161(3) Cr.P.C. has stated about the involvement of the three accused and that even according to the petitioner that all the accused are belonging to SC community, the question of invoking the said Act does not arise at all.

5. Except the above, the petitioner has not canvassed any other reason or ground to set aside the final report. Hence, this Court concludes that the petition is devoid of merit and the same is liable to be dismissed.

6. In the result, this Criminal Original Petition stands dismissed.
The petitioner is at liberty to file a protest petition before the concerned



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Court, if so advised. Consequently, connected Miscellaneous Petition is closed.

04.09.2024

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

To

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Valliyoor Division,
Tirunelveli District.
- 3.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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and
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