



CRL.OP.(MD). No. 22891 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2024

CORAM

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

CRL.OP.(MD). No. 22891 of 2023

K.M.Karthik

... Petitioner

**Vs.**

1. The Superintendent of Police,  
O/o. The Superintendent of Police,  
Trichy.
2. The Deputy Superintendent of Police,  
O/o. The Deputy Superintendent of Police,  
Trichy.
3. The Inspector of Police,  
BHEL Police Station,  
Tiruchirappalli HO,  
Trichy.
4. Ganeshkumar  
S/o.Rajagopal,  
E2, 194, BHEL Township,  
Trichy.

*(R4 is impleaded as per order of this Court  
dated 23.10.2024 in Crl.MP(MD).No.  
11305 of 2024) in Crl.OP(MD).No.22891  
of 2023)*

... Respondents



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**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records with regard to the final report filed in S.T.C. No. 427 of 2023 on the file of the Judicial Magistrate Court VI, Tiruchirappalli and to set aside the same and consequently direct the respondents to further investigation in Crime No. 18 of 2022 on the file of the 3<sup>rd</sup> respondent.

|                |   |                                            |
|----------------|---|--------------------------------------------|
| For Petitioner | : | Mr.K.Kesavan                               |
| For R1 to R3   | : | Mr.S.Ravi,<br>Additional Public Prosecutor |
| For R4         | : | Mr.S.Alagusundar                           |

### **ORDER**

This petition has been filed questioning the final report filed by the respondent police which has been taken on file by the learned Judicial Magistrate No.VI, Tiruchirappalli in S.T.C. No.427 of 2023 and for a consequential direction to the respondents to conduct further investigation in this case and file a supplementary report.

2. Heard the learned counsel on either side and perused the materials placed on record.



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3. The case of the petitioner is that on 19.08.2022, two young boys were bitten by a dog which was suffering from rabies disease at the BHEL township. Since the petitioner was an animal activist and was taking care of the stray animals, a mob took advantage of this situation and the petitioner was manhandled by the 4<sup>th</sup> respondent and 20 others in full public view.

4. Based on the complaint given by the petitioner, an FIR came to be registered in Crime No.18 of 2022 against the 4<sup>th</sup> respondent and others for offences under Sections 294(b) and 323 of IPC. On completion of investigation, the police report has been filed before the learned Judicial Magistrate.VI, Trichy for offences under Sections 294(b) and 323 of IPC against the 4<sup>th</sup> respondent alone. The same was taken on file in STC No. 427 of 2023.

5. The grievance of the petitioner is that the 4<sup>th</sup> respondent alone was shown as an accused and where as the petitioner was attacked by a mob and those persons who attacked have not been made as an accused. The further grievance is that CCTV footage was available and therefore,



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the police could have easily ascertained the other persons in the mob who attacked the petitioner but no such effort was taken by the police.

The further grievance is that the petitioner belongs to the schedule caste community and the accused persons know that he belongs to that community and they intentionally insulted the petitioner and attacked him. Therefore, the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 Act must also be invoked in this case. It is under these circumstances, the present petition has been filed before this Court.

6. This Court has carefully gone through the materials available and also carefully considered the submissions made on either side.

7. The petition is said to have been attacked by the 4<sup>th</sup> respondent along with the mob. The learned Additional Public Prosecutor submitted that the petitioner had given an exaggerated version of the incident and the police, during investigation, were not able to find the involvement of any other person except the 4<sup>th</sup> respondent. He further submitted that the ground that is being raised by the petitioner, as if an offence under the



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SC/ST Act has been committed, is not sustainable, since the claim made by the petitioner as if he was paraded by the mob, is not even found in the complaint that was given by the petitioner. The learned Additional Public Prosecutor submitted that the investigation has been properly conducted in this case and there is no scope for any further investigation in this case.

8. The involvement of other persons apart from the 4<sup>th</sup> respondent will depend upon the identity of those accused persons. It is not clear as to whether any CCTV was available in the township. The only person who has now been identified by the police is the 4<sup>th</sup> respondent. There are materials to show that the petitioner has sustained injuries and he has undergone treatment before the Government Hospital at Tiruchirappalli. In view of the same, ordering for any further investigation will only further prolong the proceedings.

9. In the light of the above discussion, the proceedings before the Court below can continue. If in the course of trial, the commission of any other offence comes to light, the Trial Court is always entitled to alter the



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charges in exercise of its power and jurisdiction under Section 216 of the Code of Criminal Procedure. That apart, if the involvement of any other person is specifically identified and ascertained, the Trial Court can always exercise its power under Section 319 of the Code of Criminal Procedure and add them as accused persons. To that extent, the right of the petitioner can be safeguarded by this Court.

10. In the result, this Criminal Original Petition is disposed of in the above terms.

**15.11.2024**

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



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To

WEB COPY

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O/o. The Superintendent of Police,  
Trichy.
2. The Deputy Superintendent of Police,  
O/o. The Deputy Superintendent of Police,  
Trichy.
3. The Inspector of Police,  
BHEL Police Station,  
Tiruchirappalli HO,  
Trichy.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**N.ANAND VENKATESH,J.**

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Order made in  
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