



Crl.O.P(MD).No.19716 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P(MD).No.19716 of 2024

Gurusekar

...Petitioner

Vs

1. The Superintendent of Police
Sivagangai District
Sivagangai
2. The Deputy Superintendent of Police
Sivagangai Division
Sivagangai District.
3. The Inspector of Police
Kalaiyarkovil Police Station
Sivagangai District
4. Thiruvassagam

...Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS praying to direct the first respondent to appoint the Investigating Officer not below the rank of Deputy Superintendent of Police, in a case in Crime No.435 of 2024 on the file of the third respondent on the basis of my representation dated 28.10.2024.

For Petitioner

: Mr.T. Indrachithu



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For Respondents
No.1 to 3

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent to appoint the Investigating Officer not below the rank of Deputy Superintendent of Police, in a case in Crime No.435 of 2024 on the file of the third respondent on the basis of my representation dated 28.10.2024.

2. The petitioner has lodged a complaint and case was registered in Crime No. 435 of 2024 for the offences under Sections 294(b),427, 506(i) of IPC and Section 3(1)(r), 3(1)(s) of SC/AT Act,2015 had sent a representation to the third respondent on 28.10.2024 stating that his father Alagan was allotted two cents of land by the Government as beneficiary under the category of Scheduled Caste. After the demise of his father the property devolved on the petitioner and the petitioner had started construction and he had laid foundation stone by making borrowings from the known source. Getting agitated over the marginalized persons putting up construction in the village the Village President one Thiruvasagam on 17.11.2023 at about 6.45 pm., had damaged the foundation stone and brought up rubbles. On 18.11.2023 the same was informed to the petitioner and the petitioner had gone there and found rubbles of the construction. Questioning the said



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Thiruvassagam who abused him called him using his caste name. It was confirmed that the petitioner belongs to different caste. The demolition was carried out. The complaint has been lodged on 21.11.2023 before the respondent who had received the same and issued CSR No.2594 of 2023 on 21.11.2023. Thereafter no action has been taken and later on the request of the petitioner a case in Crime No. 435 of 2024 has been registered and thereafter the respondent police has not taken any action. He would further submit that as per Section 7(1) of SC/ST Act, the offence committed under the Act shall be investigated by a police officer not below the rank of Deputy Superintendent of Police and further the officer so appointed as Investigating Officer should be appointed taking into consideration his past experience, sense of ability and justice to perceive the implication of the case and investigate it along with right lines within the shortest possible time. Further the rule also contemplates that the investigation officer so appointed shall file a charge sheet before the concerned Court within a period of sixty days. He further submitted that Proviso to 14(3) of SC/ST Act contemplates that the trial Court shall so far as possible to be completed within a period of two months from the date of filing the charge sheet. The apprehension of the petitioner is that since the acts and rules are not followed he had filed the present petition.



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3. The learned Additional Public Prosecutor strongly opposed the contention of the petitioner stating that in this case after registration of the case the Superintendent of Police, Sivagangai District vide his proceedings dated 16.10.2024 had appointed Thiru. A. AmalaAdvin, Deputy Superintendent of Police, Sivagangai Sub Division , Sivagangai District as Investigation Officer in Crime No. 435 of 2024 and in the said order he has referred to Rule 7(1) of (POA) Rules 2015 considering the sense of justice and ability and also the time limit given as sixty days to file the charge sheet and section 14(2) of the SC/ST (PoA) has been referred.

4. Since the prayer sought for the petitioner has been addressed, the Criminal Original Petition stands disposed of. It is also reminded that the newly appointed Deputy Superintendent of Police shall complete the investigation and file final report within the period as per the acts and rules.

14.11.2024

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



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Kalaiyarkovil Police Station
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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