



W.P.No.11447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11447 of 2023
and W.M.P.Nos.11331 & 11332 of 2023

1. V.Raja
2. N.Govindarajulu
3. N.Ethiraj

... Petitioners

Vs.

1. The Principal Secretary to Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2. The Chairman,
The Tamilnadu State Commission for
Scheduled Casts and Scheduled Tribes,
TAHDCO, 3rd Floor,
No.21, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.

3. S.Suren
4. M.Aravinthan
5. K.Sandeep

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for records relating to the impugned recommendation passed by the second respondent in Petition No.722 of 2022 dated 28.10.2022 and to quash the same.



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For Petitioners : Mr.R.Thamaraiselvan
For Mr.R.Subramanian
For Respondents
For R1 : Mr.A.Gopinath
Government Advocate (Crl. Side)
For R2 : Mr.P.Susebalan Raja
For R3 & R4 : Mrs.V.Susithra

ORDER

This petition has been filed challenging the order dated 28.10.2022 passed by the second respondent in Petition No.722 of 2022, thereby recommended to register the FIR as against the petitioners.

2. It is seen that the second respondent viz., the Tamil Nadu State Commission for Scheduled Castes and Scheduled Tribes by its order dated 28.10.2022, directed to register the FIR as against the petitioners on the complaint lodged by the respondents 3 to 5 herein. Further, after registration of FIR, it should be enquired along with the cases filed as against the petitioners in Crime Nos. 32, 89 & 90 of 2022 by the special investigation team.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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WEB COPY 4. The second respondent being a commission for Schedule Castes and Scheduled Tribes, has no power to issue any direction to register FIR. Further the second respondent, being a commission for Schedule Castes and Scheduled Tribes, it can only recommend for initiation of proceedings. That apart, on the complaint of the respondents 3 to 5, already FIR has been registered in Crime No.32 of 2022 and after completion of investigation, they filed final report in C.C.No.111 of 2022 before the learned Judicial Magistrate, Vandavasi. In respect of the Crime No.89 of 2022, the final report has been taken cognizance in C.C.No.120 of 2022 on the file of the learned Judicial Magistrate, Vandavasi and J.C.No.03 of 2023 on the file of the Juvenile Justice Board, Thiruvannamalai. Insofar as the Crime No.90 of 2022, the same has been taken cognizance in C.C.No.107 of 2022 on the file of the learned Judicial Magistrate, Vandavasi and J.C.No.05 of 2023 on the file of the Juvenile Justice Board, Thiruvannamalai.

5. Considering the above facts and circumstances, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the impugned order dated 28.10.2022 passed by the second



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respondent in Petition No.722 of 2022, is hereby quashed. The

respondents 3 to 5 are at liberty to approach the concerned Court by way of private complaint, if so advised.

6. Accordingly, the Writ Petition stands allowed.

Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

10.03.2025
($\frac{1}{2}$)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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No.21, Cenotaph Road, 2nd Lane,
Teynampet, Chennai – 600 018.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

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