

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 11269 of 2023

1. The Deputy Superintendent of Police
Sriperumbudur Sub Division,
Kancheepuram District

Petitioner(s)

Vs

1. The Chairman
Tamil Nadu State commission for the
Scheduled Castes and Scheduled
Tribes, No. 31, TADCO Building 3rd
floor Cenotaph Road 2nd Lane,
Teynampet chennai 18

2. Kalaiyarasi
W/o Tr. Chandrasekar No. 197 / 96,
Komathi Nagar Polivakkam, Tiruvallur
District

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to call for the records relating to the order dated 13.10.2022 in Petition No. 268 / 2022 on the file of the Respondent herein and quash the same as illegal, arbitrary and in violation of the settled position of law.

For Petitioner : Mr.K.M.D.Muhilan,
Additional Public Prosecutor

For Respondent(s): M/s. P. Munusami, For R1

ORDER

Challenge has been made to the Order of the Tamilnadu State Commission for the Scheduled Castes and Scheduled Tribes directing the Deputy Inspector General of Police to initiate Departmental action against the three police officials and also for a direction to register a First Information Report under section 4 of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989, in the present Writ Petition.

2. Following facts are necessary for disposal of this Writ Petition :

One Kalaiyarasi, who is said to be belonging to scheduled caste gave a complaint alleging that she married one Chandrasekar, belonging to Vanniyar community. The allegation in the complaint is that in a real estate business transaction, one Murugan has to pay some amount to her husband towards

commission. When the same was demanded, the accused not only assaulted her husband but also abused him by using the caste name. It is the grievance of the defacto complainant that despite such a complaint is given on 06.01.2022, the First Information Report has not been registered. Hence, filed a petition before the Commission on 10.01.2022.

3. The Commission had forwarded the same to the Superintendent of Police which was received by the petitioner on 05.05.2022. Thereafter, on 13.10.2022, the Superintendent of police has not appeared before Commission and only Additional Superintendent of Police appeared before the Commission. In the meanwhile, the First Information Report in Crime No.632 of 2022 has been registered on 14.10.2022 against the accused. As the First Information Report has not been registered immediately, the Commission directed disciplinary proceedings besides filing of the First Information Report under section 4 of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989 against the police officials. The explanation given by the police before the Commission is that as it is only a dispute with regard to money

transaction and the defacto complainant stated that she will seek remedy before the appropriate civil form, therefore, they had not registered the First Information Report. However, the Commission taking note of the mandate under section 4 of Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989 found that there is negligence on the part of the police officials and directed disciplinary action against them.

4. I have perused entire materials. Heard the learned Additional Public Prosecutor appearing for the petitioner and the learned counsel appearing for the first respondents.

5. Admittedly if any offence is reported against provisions of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989, the authorities concerned should act promptly by registering the First Information Report. In fact S.18 of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989 does not contemplate preliminary enquiry for registration of the First Information Report. The investigating officer has to

investigate the matter by registering the First Information Report and when there is negligence on the part of the investigating officer to perform his duties as required under the Act, the same is also made an offence under section 4 of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989.

6. A perusal of the complaint of the defacto complainant indicate that the allegation pressed into service is not only money transaction but also the allegations to attract Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989 are also made for abusing the caste name. The veracity of the statement cannot be gone into at this stage. The police ought to have registered First Information Report and conducted enquiry. Whereas, there was some delay in conducting preliminary enquiry. After a letter has been forwarded by the Commission, the First Information Report came to be registered on 14.10.2022. Though there is some negligence on the part of the investigating officer in registering the First Information Report as mandated under the law, to make such negligence punishable, there must be wilful negligence on the part of the investigating officer as per section 4 of Scheduled

Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989. No doubt the Commission is vested with power to recommend disciplinary action against the officers concerned.

7. It is relevant to note that mere inaction to register the First Information Report immediately and conduct preliminary enquiry without there being any materials to show that the investigating officer acted in negligent manner which is gross negligence as per the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, merely because the Commission has such powers to recommend to the Government with regard to the wilful negligence on the part of the investigating officer, the Commission cannot positively direct registration of the First Information Report against the investigating officer and also initiate disciplinary proceedings. Even assuming that the act of the investigating officer is negligent and violated the mandatory provisions of the Act, the proper course for the Commission is to recommend for proper action. It is for the Government to act as per the recommendations of the Commission. In such view of the matter, when the Commission is not

vested with the power to make positive direction directing disciplinary action and registration of the First Information Report is against the mandate of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act 1989. Hence, the Order of the Commission is liable to be set aside.

8. Accordingly, this Criminal Original Petition is allowed and the Order of the Commission dated 24.10.2022 passed in Petition No.268 of 2022 is set aside.

26-08-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

vrc

To

1.The Chairman

Tamil Nadu State commission for the
Scheduled Castes and Scheduled
Tribes, No. 31, TADCO Building 3rd
floor Cenotaph Road 2nd Lane,
Teynampet chennai 18

WP No. 11269 of 2023

N.SATHISH KUMAR J.

vrc

WP No. 11269 of 2023

26-08-2025