



Crl.O.P.No.9911 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM:

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

Crl.O.P.No.9911 of 2025
and Crl.M.P.No.6572 of 2025

1.A.Neppoliyan
2.Viji @ Vijiyarasan
3.V.Murugan
4.A.Appu @ Loganathan

.... Petitioners

Vs

1.The Deputy Superintendent of Police
Chengam,
Thiruvannamalai District.

2.State Rep. By
The Inspector of Police,
Mel Chengam Police Station,
Thiruvannamalai District.
Crime No.12/2025

3.V.Sankar

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records, pertaining to Crime No.12 of 2025 on the file of the Inspector of Police, Melchengam Police Station, Tiruvannamalai District and quash the same.

For Petitioners : M/s.V.Karthikeyan
For R1 & R2 : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.12 of 2025 on the file of the second respondent.

2. The case of the prosecution is that, on 13.01.2025 at around 8.30 p.m., the second respondent, after completing his work as a driver, was walking along Chengam Road towards a chicken shop owned by one Thenmozhi. At that time, the 1st petitioner, who was riding a two wheeler, allegedly hit the second respondent and causing him to fall. There arose a wordy altercation ensued between the petitioner and the second respondent, during which the petitioner's son is alleged to have abused the second respondent by referring to his caste name in public. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that while the first petitioner was riding his two wheeler, hit the second respondent from behind, leading to a verbal altercation and exchange of blows between them. Subsequently, the petitioner lodged a complaint and the same has been registered in Crime No.11 of 2025 for the offences under Sections 296(b), 115(2), 351(1) of the Bharatiya Nyaya Sanhita, 2023. For the very same occurrence, on the next day, the second respondent lodged a complaint and the



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same has been registered in Crime No.12 of 2024 for the offences under

Sections 281, 125(a), 295(b), 115(2), 118(1), 351(2) of the Bharatiya Nyaya Sanhita, 2023 r/w. 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 1989.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. It is evident that there is absolutely no specific averment or material to prima facie attract the provision of SC/ST Act. Even according to the second respondent, he used the words that the second respondent belongs to the “Colony”. It is amounted to abuse by reference to the caste of the second respondent in a public place. Therefore, the learned counsel for the petitioner vehemently contended that the essential ingredients to attract the SC/ST Act are not satisfied. However, it is well settled that an FIR cannot be quashed for certain offences are not made out, if other cognizable offences are disclosed. That apart, a counter complaint has been lodged by the second respondent.

6. Initially, the petitioner lodged a complaint and the same has been registered in Crime No.11 of 2025, which is pending on the file of the second respondent for investigation. Since the FIR has been registered under



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the SC/ST Act, the investigation has now been transferred to the file of the first respondent, who is the competent authority under the said Act.

7. In view of the above, both FIRs registered in Crime Nos.11 and 12 of 2025 shall be investigated by the first respondent in accordance with the procedure laid down under Section 566 of the Police Standing Orders. The first respondent is directed to complete the investigation and file a final report within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that during the course of investigation, if it is found that no offence is made out under the SC/ST Act, the first respondent shall delete the said provision from the FIR and proceed to file the final report accordingly.

8. With the above direction, this Criminal Original Petition stands disposed of . Consequently, connected miscellaneous petition is closed.

03.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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1.The Deputy Superintendent of Police
Chengam,
Thiruvannamalai District.

2.The Inspector of Police
Mel Chengam Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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