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CrI.O.P.No.13098 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

CrI.O.P.No.13098 of 2025 and

CrI.M.P.No.8676 of 2025

1. A.Thangavel

2. T.Chandrika

... Petitioners

Vs.

M.Arunachalam

... Respondents

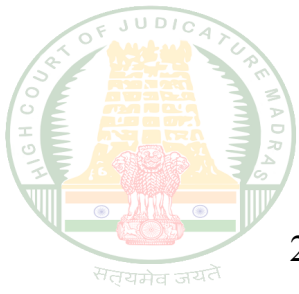
**Prayer:** Criminal Original Petition filed under Section 528 of BNSS, 2023 to set aside the order dated 04.03.2025 passed in P.R.C.No.10 of 2015 on the file of the Judicial Magistrate Court No.III, Coimbatore.

For Petitioners : Mr.S.Vinoth Kumar

For Respondent : Mr.D.Dayalan

**ORDER**

This Criminal Original Petition has been filed by the petitioners to set aside the order dated 04.03.2025 passed in P.R.C.No.10 of 2015 on the file of the Judicial Magistrate Court No.III, Coimbatore.

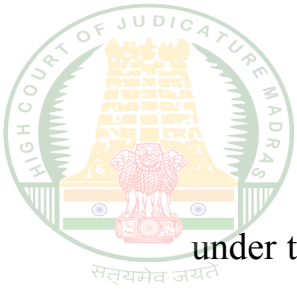


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2. The case of the petitioners is that the petitioners are tenant under the respondent herein. The respondent filed a private complaint against the petitioners under Section 200 Cr.P.C. before the Judicial Magistrate Court No.III, Coimbatore, by mentioning the offences under Sections 75(1)(c) TNCP Act, Sections 341, 323, 506(ii) IPC, Section 4 of the Women Harassment Act and Section 3(1)(x) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, alleging that due to dispute regarding vacating the premises, the petitioners along with other accused trespassed into the house of the respondent, abused him with filthy language by pointing out his caste name and tried to attack him and his wife. The Magistrate erroneously took the complaint on file and summoned the accused persons and subsequently, took cognizance of the case in P.R.C.No.10 of 2015 and later, committed the case to the Special Court vide Docket Order dated 04.03.2025. Hence, challenging the same, the present petition is filed.

3. According to the learned counsel for the petitioners, since the offence



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under the SC/ST Act is involved in this case, the Magistrate has no jurisdiction

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to entertain the complaint filed by the respondent. The Magistrate is not a Special Court. Only the designated Special Court can take cognizance of the complaint involving the offences under the SC/ST Act. Even the complaint itself can be investigated by the Investigating Officer not below the rank of Deputy Superintendent of Police and after investigation, charge sheet has to be filed. When such a Special Law is given in the said Act, the Magistrate has no power to take cognizance of the offence. Therefore, the order passed by the Magistrate is liable to be set aside.

4. The learned counsel for the respondent submitted that admittedly a private complaint was filed before the Judicial Magistrate under Section 200 Cr.P.C. The learned Magistrate after taking cognizance of the complaint, found that there are prima facie materials to proceed under the SC/ST Act and since the Magistrate had no jurisdiction, the learned Magistrate committed the case to the Special Court after completing the PRC proceedings and that the



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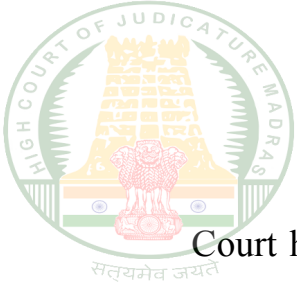
Magistrate had not acted as a Special Court. Now the Special Court has seized

up the matter and the case is pending in Spl.S.C.No.12 of 2024 on the file of the Special Court for trial of cases under SC/ST (PoA) Act, Coimbatore.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the defacto complainant made a private complaint before the Judicial Magistrate No.III, Coimbatore under Section 200 Cr.P.C. including the offence under the SC/ST Act. But, no Magistrate has got a power to take up the complaint and to conduct enquiry or to pass orders involving offences under the SC/ST Act. If a Magistrate after enquiry finds that the offence is triable by the Court of Sessions, then the Magistrate has to commit the case to the Court of Sessions or to the designated Special Court as the case may be.

7. In this case, initially the Magistrate took up the complaint on file and after enquiry, on finding that the offence is triable by the designated Special Court, committed the case to the designated Special Court. Now the Special



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Court has taken up the case on file in Spl.S.C.No.12 of 2025. Therefore, this

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Court does not find any illegality or infirmity in the order passed by the Magistrate.

8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

9. The petitioner is at liberty to take all his defence before the designated

Special Court.

12.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Judicial Magistrate Court No.III,  
Coimbatore.



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**P.VELMURUGAN. J.**

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