



Crl.R.C.No.263 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 12.08.2025

CORAM:

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

Crl.R.C.No.263 of 2025

A.Sankar

... Petitioner

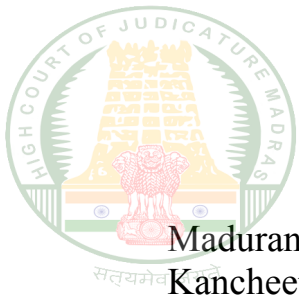
Vs.

1. The Deputy Superintendent of Police,
Under SC/ST Act,
Kancheepuram Sub – Division,
Kancheepuram.

2. The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram,
Kancheepuram District.

3. Balu
Depot Manager, TNSC,
Tambaram Depot,
Chennai – 600 045.
Presently working as
Deport Manager, TNSC,
Villupuram Division,
Killambakkam Depot,
Kancheepuram District.

4. Kalidoss,
Assistant Engineer,
TNSC, Tambaram Bus Stand,
Chennai – 600 045.
Presently working as
Branch Manager, TNSC,



Crl.R.C.No.263 of 2025

Maduranthagam Depot,
Kancheepuram District.

WEB COPY

5. Rajasekar,
Deputy Manager (Commercial),
TNSTC, Head Quarter's Office,
Kancheepuram,
Kancheepuram District.
Presently working as
General Manager (North),
Metropolitan Transport Corporation,
Pallavan House, Pallavan Salai,
Chennai – 600 002.

... Respondents

PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the impugned order made in RCS No.3 of 2021 on the file of the learned Principal Sessions Judge, Kancheepuram District at Chengalpet dated 28.11.2023 closing the FIR as Mistake of Fact and set aside the same and consequently direct the learned Principal Sessions Judge, Kancheepuram District at Chengalpet to decide the case on merit afresh.

For Petitioner : Mr.K.Raja

For Respondents

For R1 & R2 : Mr.A.Gopinath
Government Advocate (Crl. Side)

For R3 to R5 : Mr.S.Sairaman

ORDER

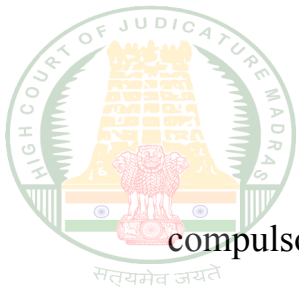
This Criminal Revision has been preferred as against the order dated 28.11.2023, passed by the learned Principal Sessions Judge, Chengalpet,



Crl.R.C.No.263 of 2025

Kancheepuram District, in R.C.S.No.3 of 2021, thereby accepting the closure report in Crime No.529 of 2019 on the file of the first respondent.

2. The learned counsel appearing for the petitioner submitted that the petitioner lodged complaint before the first respondent alleging that he has been working as Driver since 1991 in the Government Transport Corporation and he had been assigned an Employee Number. While he was working as Driver in TNSTC, Tambaram Depot, in the year 2018, he had been elected as Trade Union Leader of Arivar Ambedkar Transport Employees Trade Union. Thereafter, the petitioner protected the welfare of the employees working in the transport corporation as a Trade Union Leader and he had brought it to the notice of the Managing Director, TNSTC, Villupuram, General Manager, TNSTC, Kancheepuram, Deputy Manager (Commercial), Kancheepuram and the Branch Manager, TNSTC, Tambaram Depot etc. Since the petitioner had been elected as Trade Union Leader of Arivar Ambedkar Transport Employees Trade Union, the higher officials of the transport corporation did not give importance to the petitioner as given to other union leaders. Further the bus in service No.55K/B, in which the petitioner was working as Driver was stopped on 15.10.2018. Thereafter, without allotting any post to the petitioner on the basis of seniority in any other route in Tambaram Depot, he was made to wait



Crl.R.C.No.263 of 2025

compulsorily, though other juniors were allotted several posts. Though it was brought to the notice of the Deputy Manager and Branch Manager, no effective step was taken and the petitioner was driven from pillar to post.

2.1. He further submitted that when the petitioner met the fifth respondent herein, he did not allot any duty to the petitioner and also abused him with filthy language. The petitioner and one Selvam, General Secretary of the trade were belonging to the Schedule Caste. Except the petitioner and the General Secretary, no other office bearers of the trade union met such degradation from the respondents 3 to 5. After three months, on 08.02.2019, the petitioner met the General Manager and as per his directions, the petitioner was given duty on 28.02.2019 at bus route No.55E. Though the said route was a full shift service route, the petitioner was given only single shift and next day he was not given duty. On 02.03.2019, the petitioner did single shift in the morning hours and thereafter he was relieved and other driver was allotted for evening shift. On 04.03.2019, the fourth respondent directed the petitioner to take vehicle with delay and the same was resisted by the conductor. If, with delay, bus was operated, definitely the fourth respondent along with fifth respondent would have sent the ticket checker to find fault with the petitioner and based on the same, charges would have been framed. However, the



petitioner had acted with due diligence by taking the bus on time.

WEB COPY

2.2. Thereafter on 07.03.2019, the petitioner was informed that he was transferred from Tambaram depot. Even though the petitioner was on leave on 07.03.2019 & 08.03.2019, it was not served to the petitioner rather, it was pasted on the notice board. The petitioner being a Trade Union Leader was insulted and humiliated because he was belonging to Schedule Caste. To recall the transfer order, all the Trade Union Leaders from other trade union also met the General Manager on 09.03.2019 and during the discussions, the fifth respondent, in the presence of all the Trade Union Leaders, reacted by leaving the discussion room. The General Manager assured that after the Parliament Election, the petitioner's transfer order would be recalled. Thereafter, when the petitioner and General Secretary of Arivar Ambedkar Transport Employee Trade Union viz., Selvam came out of the office, the fifth respondent called them to his room. When they went to his room and occupied their seats, immediately the fifth respondent shouted at them and abused them by using their caste name. Therefore, the offences under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the SC/ST Act”) are clearly attracted as against the respondents 3 to 5 herein. Hence, the petitioner filed complaint and the same was not considered.



WEB COPY

Therefore, the petitioner was constrained to file a petition under Section 156(3) of Cr.P.C., in C.M.P.No.1636 of 2019 and the learned Judicial Magistrate No.1, Kancheepuram, directed to register the FIR. As per the direction, the first respondent registered the FIR in Crime No.529 of 2019 for the offences punishable under Section 294(b) and 506(i) of IPC and Section 3(1)(r)(s) of the SC/ST Act. However, after completion of investigation, the first respondent closed the FIR and filed referred charge sheet in RCS No.3 of 2021. Aggrieved by the same, the petitioner filed protest petition and the same was not considered by the trial Court. Hence, the petitioner filed the present revision case.

3. The learned counsel appearing respondents 3 to 5 submitted that no specific allegation made as against the respondents 3 to 5 as such, the first respondent conducted detailed enquiry and closed the same as “mistake of fact”. Even according to the petitioner, he along with one Selvam visited the office room of the fifth respondent on 09.03.2019 and the fifth respondent shouted at them and did not offer seats to sit in the office and also abused them using their caste name. If at all the occurrence had taken place on 09.03.2019, the petitioner would have lodged complaint on 09.03.2019 itself. The entire allegations are bald and vague and no ingredients to attract any of the offences.



Crl.R.C.No.263 of 2025

Therefore, the trial Court after conducted detailed enquiry, accepted the closure report and also dismissed the protest petition.

4. The learned Government Advocate (Crl. Side) appearing for the respondent 1 & 2 submitted that after detailed enquiry, the FIR was closed as Mistake of Fact. Therefore, the protest petition filed by the petitioner was rightly dismissed by the trial Court and it doesn't warrant any interference from this Court.

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

6. Admittedly, the petitioner was selected as Union Trade Leader of Arivar Ambedkar Transport Employees Trade Union. Immediately, he was not given any post and he was humiliated and insulted. He was transferred without any reason from Tambaram depot. It shows that the petitioner was ill-treated and as such he sustained mental agony. Therefore, he lodged complaint and the same was registered in Crime No.529 of 2019. Though the petitioner filed protest petition challenging the referred charge sheet, no order has been passed in the protest petition. The trial Court passed order in the referred charge sheet



Crl.R.C.No.263 of 2025

in R.C.S.No.3 of 2021. It shows the non application of mind by the learned

Magistrate and as such the order passed by the trial Court cannot be sustained and is liable to be set aside.

7. Accordingly, the order dated 28.11.2023, passed by the learned Principal Sessions Judge, Chengalpet, Kancheepuram District, in R.C.S.No.3 of 2021, is hereby set aside. The trial Court viz., learned Principal Sessions Judge, Chengalpet, Kancheepuram District is directed to take the protest petition on file and provide opportunity to the petitioner to record his evidence and any other supportive witnesses. On evidence, if any cognizable offence is made out as against the accused persons, the trial Court is directed to take cognizance and proceed with the trial, within a period of eight weeks from the date of receipt of a copy of this Order.

8. With the above directions, the Criminal Revision Case stands allowed.

12.08.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
rts



Crl.R.C.No.263 of 2025

WEB COPY

- To
1. The Principal Sessions Judge,
Chengalpet, Kancheepuram District.
 2. The Deputy Superintendent of Police,
Under SC/ST Act,
Kancheepuram Sub – Division,
Kancheepuram.
 3. The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram,
Kancheepuram District.
 4. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.R.C.No.263 of 2025

G.K.ILANTHIRAIYAN. J.

rts

Crl.R.C.No.263 of 2025

12.08.2025