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CRL OP No. 26855 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 26855 of 2025 &
Crl.M.P.Nos.18284 and 18285 of 2025**

K.Edwin Santhosh Kumar

Petitioner(s)

Vs

1. The State Rep by, The Deputy
Superintendent of Police,
Coonoor Division, Nilgiris District.

2.The Inspector of Police,
Upper Coonoor Police Station, Nilgiris
District. FIR No.2/2025.

3.N.Muruganantham

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS Act to call for the records in Spl.S.C.No.4/2025 on the file of learned Sessions Judge, Udhagamandalam and to quash the same.

For Petitioner(s): Mr.P.Kannan Kumar

For Respondent(s): Mr.R.Vinothraja for R1 and R2
Government advocate (Crl.Side)



ORDER

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The petitioner seeks to quash the final report filed under Sections 3(1)(r) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

2. The crux of the final report is that the accused being Manager used to abuse the defacto complainant / 3rd respondent, who is the trainee worker and abused with his caste name on 18.09.2024 and the same has been witnessed by other witnesses.

3. The learned counsel for the petitioner would submit that though previously there was a complaint against the defacto complainant, the same has been closed, however, after a period of four months, present complaint has been given only on the basis of some departmental action likely to be taken against the defacto complainant. Hence seeks to quash the entire final report.

4. Heard the learned counsel on either side and perused the documents placed on record.

5. It is no doubt true that there is a delay in filing the present complaint and previous complaint filed against the defacto complainant was also closed. However, it appears that there is a dispute in working place. The fact remains



that the other independent witnesses in the statement also supported the case of the defacto complainant.

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6. In such view of the matter, it is for the trial court to appreciate the entire facts and the background under which the complaint has been filed and whether the evidences are believable or not.

7. Considering the other circumstances of the case, the trial court shall conduct the case in a fair manner and dispose of the case as expeditiously as possible. However, this Court while sitting under Section 528 of BNSS, cannot look into the veracity of the statements by conducting mini trial. Accordingly, the present Petition is dismissed. The personal appearance of the petitioner before the trial court is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., / Section 351 BNSS passing of Judgment or on any other date as may be required by the trial court. Consequently, connected miscellaneous petitions are closed.

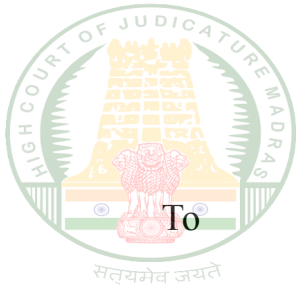
07-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Sessions Judge,
Udhagamandalam
2. The State Rep by, The Deputy
Superintendent of Police,
Coonoor Division, Nilgiris District.
3. The Inspector of Police,
Upper Coonoor Police Station, Nilgiris
District. FIR No.2/2025.
4. The Public Prosecutor,
High Court, Madras



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N.SATHISH KUMAR J.

ssd

**CRL OP No. 26855 of
2025**

07-10-2025