



CrI.O.P.No. 3625 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

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

CrI.O.P.No.3625 of 2025

A.B.Moorthy

... Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Tiruvannamalai District.

2.The Deputy Superintendent of Police (Town),
Thiruvannamalai Taluk,
Thiruvannamalai District.

3.The Inspector of Police,
Kelpenathur Police Station,
Thiruvannamalai District.

4.N.Vijayan

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the preliminary report of the respondent No.2 in Na.Ka.No.47/DSP/TVM TOWN.2024 dated 01.04.2024 and consequently direct the respondent no.2 to register the case and investigate the case on the complaint dated 02.03.2024 in compliance with the letter in Dis.No.151/2024 dated 05.03.2024.



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For Petitioner : Mr.B.Mohan

For R1 to R3 : Mr.K.M.D.Muhilan,
Government Advocate (crl.side)

ORDER

This petition has been filed to set aside the report submitted by the second respondent dated 01.04.2024.

2. Heard both sides and perused the materials placed before this Court.

3. The petitioner lodged a complaint against the fourth respondent before the Sessions Judge, (FAC) Special Court for the trial of cases under the SC/ST (Prevention of Atrocities) Act, Thiruvannamalai. Initially, by its proceedings dated 05.03.2024, the Trial Court directed the second respondent to take necessary action and submit a report. Pursuant to the direction, the second respondent conducted a detailed enquiry and filed a closure report, stating that the allegations made by the



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petitioner against the fourth respondent were civil in nature.

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Subsequently, by order dated 23.08.2024, the Trial Court directed the second respondent to register an FIR on the complaint lodged by the petitioner and proceed with the inquiry.

4. Aggrieved by the same, the proposed accused preferred a revision before this Court in CrI.R.C. No. 1639 of 2024. By order dated 26.11.2024, this Court set aside the order passed by the Sessions Judge, (FAC) Special Court, for the trial of cases under the SC/ST (POA) Act. The Court further observed that the complainant was at liberty to file objections and that, upon consideration of the report submitted by the second respondent and the objections raised by the petitioner, appropriate orders would be passed in accordance with the provisions of the Criminal Procedure Code.

5. On perusal of the records, it is evident that the petitioner has already submitted objections to the closure report filed by the second respondent on 01.04.2024 and the matter is pending for orders. The



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petitioner now challenges the proceeding dated 05.03.2024 in Dis.No. 451 of 2024 on the file of the Trial Court. After the said order, the Trial Court directed the second respondent to register the FIR, which was subsequently set aside by this Court in CrI.R.C. No. 1639 of 2024. The Court also issued a specific direction to the Trial Court to pass orders on the objection raised by the petitioner.

6. In view of the above, this Court finds no infirmity or illegality in the report submitted by the second respondent dated 01.04.2024. Accordingly, this Criminal Original Petition stands dismissed. Further, the Trial Court is directed to pass final orders on the objection raised by the petitioner regarding the closure report filed by the second respondent, dated 01.04.2024, within a period of 8 weeks from the date of receipt of a copy of this order.

12.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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To

1. The Sessions Judge, (FAC) Special Court for the trial of cases under the SC/ST (Prevention of Atrocities) Act, Thiruvannamalai.

2. The Superintendent of Police,
District Police Office,
Thiruvannamalai District.

3. The Deputy Superintendent of Police (Town),
Thiruvannamalai Taluk,
Thiruvannamalai District.

4. The Inspector of Police,
Kelpenathur Police Station,
Thiruvannamalai District.

5. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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