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Crl.A.No.372 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Appeal No.372 of 2025

A.Mohandoss

... Appellant

..VS..

1. The Assistant Commissioner of Police,
Nungambakkam Police Range,
Chennai City.

2. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai City,
Crime No.157 of 2022.

... Respondents

Criminal Appeal filed under Sections 14A(1) of SC/ST Act, 1989, to call for the records pertaining to the order dated 26.07.2024 made in Crl.M.P.No.8915 of 2023 in R.C.S.No.3 of 2022 passed by the Principal Sessions Judge, Chennai, set aside the same and allow this Criminal Appeal.

For Appellant	:	Mr.C.Kanagaraj for Mr.G.Anandaraj
For Respondents	:	Mrs.G.V.Kasthuri Additional Public Prosecutor



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JUDGMENT

This Criminal Appeal is preferred against the order dated 26.07.2024 passed in Crl.M.P.No.8915 of 2023 in R.C.S.No.3 of 2022 by the Principal Sessions Judge, Chennai.

2. The case of the petitioner is that he lodged a complaint against P.Vikash Kumar, P.Manju Bai, K.K.Sanchetti and T.Sai Krishnan and a case in Crime No.157 of 2022 has been registered for the offences under Sections 3(1)(g), 3(1)(b), 3(1)(c), 3(1)(t), 3(1)(r), 3(1)(u) and 3(1)(z) of SC/ST Prevention of Atrocities Act, 1989. After investigation, the respondent-Police filed a final report as 'Mistake of Fact' before the Court below and the same was taken on file in R.C.S.No.3 of 2022. As against the said closure report, the petitioner filed a protest petition in Crl.M.P.No.8915 of 2023 before the Principal Sessions Judge, Sessions Court, Chennai. The learned Magistrate, without considering the allegations made in the complaint and also statement of the *de-facto* complainant recorded under Section 161 Cr.P.C., simply dismissed the



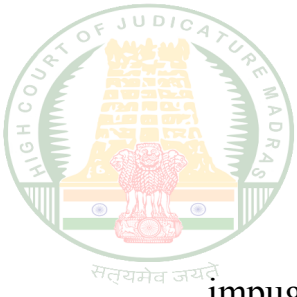
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petition. Challenging the same, the present revision petition is filed by the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent-Police, on instructions, submitted that since the dispute between the parties is civil in nature, the respondent-police closed complaint.

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

5. A reading of the complaint and statement of the *de-facto* complainant recorded by the respondent-Police under Section 161 Cr.P.C., would reveal that *prima facie* there are materials available to invoke Sections 3(1)(g), 3(1)(b), 3(1)(c), 3(1)(t), 3(1)(r), 3(1)(u) and 3(1)(z) of SC/ST Prevention of Atrocities Act, 1989 as against the accused persons. Further, the allegations in the complaint lead to conviction or not cannot be decided at this stage. Therefore, the



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impugned order dated 26.07.2024 passed in Crl.M.P.No.8915 of 2023 is set aside and consequently charge sheet filed in R.C.S.No 3 of 2022 is also set aside. The respondent/Police is directed to conduct fair investigation and file a fresh charge sheet before the Court below.

6. In view of the above, this Criminal Appeal is allowed.

16.04.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Principal Sessions Judge,
Chennai.
2. The Assistant Commissioner of Police,
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Chennai City.
3. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai City.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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