



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.A.No.1858 of 2025

Prabhakaran

...Appellant

Versus

1.Superintendent of Police,
Villupuram District – 605 602.

2.Deputy Superintendent of Police,
Gingee DSP Office Building,
Gingee Taluk,
Villupuram District – 604 202.

3.The Inspector of Police,
Anandapuram Police Station,
Villupuram District.
Crime No.452 of 2023.

4.Gopi

5.Logu

6.Pandiyan

7.Yuvaraj

8.Ramachandran

...Respondents



This Criminal Appeal has been filed under Section 14(A) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 r/w. Section 415 of BNSS praying to set aside the order passed by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST Act, 1989 Villupuram in R.C.S.No.14 of 2024 dated 18.07.2025 and expedite the re-investigation in Crime No.452 of 2023 on the file of the Deputy Superintendent of Police, Gingee and consequently, direct them to complete the investigation and to file the Final Report forthwith within a stipulated time frame as may be set by this Court.

For Appellant : Mr.R.Thamarai Selvan
For Respondents – 1 to 3 : Mr.V.Meganathan,
Govt. Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed by the Appellant praying to set aside the Order dated 18.07.2025 in R.C.S.No.14 of 2024 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram and to expedite the re-investigation of the case in Crime No.452 of 2023 and consequently, direct the Respondent Police to complete the investigation and file the Final Report forthwith, within a time frame to be stipulated by this Court.



2. The brief facts of the case are as follows:

The Appellant is an Advocate. He belongs to Scheduled Caste community. On 14.11.2023, when the Appellant went to the funeral procession of his friend's mother, Respondents 4 to 8 who belong to Most Backward Class community were exploding the fire crackers, which fell upon the Appellant. When the Appellant asked the Respondents 4 to 8 about the said incident, they abused the Appellant in filthy language and used unparliamentary words and also, threatened him with dire consequences. After the completion of funeral rituals, near the cremation ground, Respondents 4 to 8 scolded the Appellant by using abusive words about his community and that apart, they attacked the Appellant with their hands and deadly weapons. Therefore, the Appellant had lodged a complaint before the 3rd Respondent Police in this regard. Based on the complaint given by the Appellant, 3rd Respondent Police had registered a case in Crime No.452 of 2023 under Sections 147, 294(b) & 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (POA) Act against the Respondents 4 to 8.

3. After the registration of the case in Crime No.452 of 2023 on the file of 3rd Respondent Police, Respondents 4 to 8 and their relatives



continuously threatened the Appellant to withdraw the complaint which was given by him. Though the Appellant made repeated representations before the Respondents 1 & 2 requesting to take appropriate action against the Respondents 4 to 8, Respondents 1 & 2 did not take any action against the Respondents 4 to 8. Without conducting any proper enquiry, 3rd Respondent Police had filed a Final Report before the Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram on 03.01.2024 stating that further action against the accused in Crime No.452 of 2023 was dropped and the case in Crime No.452 of 2023 is closed as Mistake of Fact. Aggrieved by the said Final Report, Appellant had filed a petition in CrI.O.P.No.2721 of 2024 before this Court, praying to direct the Respondents 1 to 3 to complete the investigation in Crime No.452 of 2023 on the file of 3rd Respondent Police and to file a Final Report, within a time frame as stipulated by this Court. The said petition was disposed of by this Court vide Order dated 09.02.2024. The operative portion of the Order dated 09.02.2024 in CrI.O.P.No.2721 of 2024 reads as follows:

“5. In view of the above, the respondent police is directed to file either a final report or closure report, as the case may be, within a period of two months from the date of receipt of a copy of this order under due intimation to the defacto complainant.

6. With the above direction, this Criminal Original Petition is disposed of.”



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4. Subsequently, on 17.02.2024, 2nd Respondent Police had issued Summons to the Appellant, directing him to submit his Bank Pass Book, Aadhaar Card, Ration Card and Passport size photo for getting the compensation amount. After the receipt of said summons, Appellant appeared before the Respondent Police and asked them about the summons issued to him, to which, the Respondent Police replied that the case in Crime No.452 of 2023 has been closed and he was served with R.C.S Summons in R.C.No.01/2024 (B 1936801). Only thereafter, the Appellant came to know that without properly investigating the eyewitnesses of the case, 3rd Respondent Police had filed a Final Report before the Court below. Therefore, the aggrieved Appellant had filed a petition in R.C.S.No.14 of 2024 before the Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram praying to consider his objection and to take his case on file. However, the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram vide Order dated 18.07.2025, dismissed R.C.S.No.14 of 2024 filed by the Appellant. Aggrieved by the said dismissal order, Appellant has preferred the present Criminal Appeal before this Court.



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5. The learned counsel for the Appellant submitted that two days after the date of alleged occurrence i.e., on 17.11.2023, 7th Respondent came to the Appellant's house and scolded the Appellant and his family members in unparliamentary words. Thereafter, on 20.11.2023, one Mrs.Lalitha (mother of one of the proposed accused) came to the Appellant's house and quarrelled with the Appellant and also, she threatened the Appellant to withdraw the complaint which was lodged against them by the Appellant. The Appellant had stored the CCTV footages which contain the incidents that took place in the house of Appellant on 17.11.2023 and 20.11.2023 in a Pen Drive and handed over the same to the 3rd Respondent Police. However, without considering the said digital evidence and also, without properly investigating the eyewitnesses of the alleged occurrence, 3rd Respondent Police had closed the case in Crime No.452 of 2023 as Mistake of Fact.

5.1. It is further submitted by the learned counsel for the Appellant that though the Appellant had produced a *prima facie* evidence before the 3rd Respondent Police for taking action against the Respondents 4 to 8, the Respondent Police did not appreciate the same.



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5.2. The learned counsel for the Appellant also submitted that the 2nd Respondent Police had investigated 15 witnesses (including the Appellant) in this case. Out of the said 15 witnesses, 2 witnesses viz., Kumar and Ezhumalai who were not present in the scene of occurrence have filed an Affidavit dated 20.11.2025 before this Court, stating that the 2nd Respondent Police had included them as hearsay witnesses to the alleged occurrence and the Respondent Police did not record any Statement under Section 161 of Cr.P.C from them on 22.11.2023. The so called Section 161 Cr.P.C Statements recorded by the Respondent Police from the said Kumar and Ezhumalai, are fabricated statements made by the Respondent Police.

5.3. In the present case, the Respondent Police had neither conducted a proper investigation nor filed the Closure Report within a time frame stipulated by this Court. Hence, the Appellant made an objection to the said Closure Report and filed a petition in R.C.S.No.14 of 2024 before the Court below praying to take his case on file. However, without considering the above aspects, the Court below has dismissed R.C.S.No.14 of 2024 filed by the Appellant by holding that there is no sufficient ground to proceed as



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against the accused and this Court deems it fit to drop the proceedings against the accused and accept the Final Report filed by the Investigating Officer and the case is recorded as Mistake of Fact. Therefore, the learned counsel prayed that the impugned order may be set aside and appropriate direction may be issued to the Respondent Police to expedite the re-investigation of the case in Crime No.452 of 2023.

6. On the other hand, the learned Government Advocate (Crl.Side) appearing on behalf of the Respondents 1 to 3 submitted that the Respondent Police had conducted a proper investigation in this case. There is no *prima facie* material to proceed against the Respondents 4 to 8 and hence, the 3rd Respondent Police has closed the case in Crime No.452 of 2023 as Mistake of Fact and dropped the further action against the accused in Crime No.452 of 2023. He further submitted that the Court below has rightly dismissed R.C.S.No.14 of 2024 filed by the Appellant vide Order dated 18.07.2025 and the said order does not warrant any interference.

7. Heard the learned counsel on either side and perused the materials available on record.



8. In the present case, the Appellant had lodged a complaint before the 3rd Respondent Police stating that on 14.11.2023, when he went to the funeral procession of his friend's mother, Respondents 4 to 8 who belong to Most Backward Class community were exploding the fire crackers and the said crackers fell upon him; when he asked the Respondents 4 to 8 about the same, they abused him in filthy language and unparliamentary words; that apart, Respondents 4 to 8 scolded him by using abusive words about his community and also, attacked him. Based on the said complaint, 3rd Respondent Police registered a case in Crime No.452 of 2023 under Sections 147, 294(b) & 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (POA) Act against the Respondents 4 to 8. After the completion of investigation, the 3rd Respondent Police filed a Final Report before the Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram on 03.01.2024 stating that further action against the accused in Crime No.452 of 2023 was dropped and the case in Crime No.452 of 2023 is closed as Mistake of Fact. Aggrieved by the said Final Report, Appellant had filed a petition in CrI.O.P.No.2721 of 2024 before this Court praying to direct the Respondents 1 to 3 to complete the investigation in Crime No.452 of 2023 on the file of 3rd Respondent Police and to file a Final Report, within



a time frame as stipulated by this Court. Pursuant to the said order of this Court, the Respondent Police closed the case in Crime No.452 of 2023 and filed a Final Report before the Court below. Aggrieved by the same, Appellant had filed a petition in R.C.S.No.14 of 2024 before the Court praying to consider his objection and to take his case on file, but, the said petition was dismissed by the Court below on 18.07.2025. The Court below has accepted the Final Report filed by the Investigating Officer and recorded the case in Crime No.452 of 2023 as Mistake of Fact. Hence, the Appellant has preferred this Criminal Appeal.

9. The specific contention of the Appellant is that the Pen Drive which he handed over to the 3rd Respondent Police is a primary sufficient proof to take action against the Respondents 4 to 8. However, without considering the same, the 3rd Respondent Police had closed the case in Crime No.452 of 2023 as Mistake of Fact. The further contention of the Appellant is that the Respondent Police did not record any Statement under Section 161 of Cr.P.C from the witnesses, Kumar and Ezhumalai and the so called Section 161 Cr.P.C Statements recorded by the Respondent Police from them are statements fabricated by the Respondent Police.



10. However, in the Order dated 18.07.2025 in R.C.S.No.14 of 2024, the Court below has held that the contents in the Pen Drive handed over by the Appellant are not pertaining to the case on hand and the villagers have not spoken about the alleged occurrence. Further, it has held that according to the witnesses, Praveendeva and Yesudoss who were present in the scene of occurrence, no occurrence had taken place on 14.11.2023 and the witnesses, viz., Merry Stella, Yesudoss, Vimala, Luziya, Kumar and Ezhumalai have not supported the case of Appellant.

11. As far as this case is concerned, the Respondent Police had conducted a proper investigation. As rightly pointed out by the learned Government Advocate (Crl.Side) for the Respondents 1 to 3, there is no *prima facie* material to proceed against the Respondents 4 to 8 and hence, the Respondent Police has closed the case in Crime No.452 of 2023 as Mistake of Fact and dropped the further action against the accused in Crime No.452 of 2023. Therefore, the Court below has dismissed R.C.S.No.14 of 2024 filed by the Appellant and accepted the Final Report filed by the Investigating Officer as there is no *prima facie* material and also, recorded the case in Crime No.452 of 2023 as Mistake of Fact.



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12. I do not find any reason to interfere with the Order dated 18.07.2025 in R.C.S.No.14 of 2024 passed by the Court below.

13. For the foregoing reasons, this Criminal Appeal is dismissed and the Order dated 18.07.2025 in R.C.S.No.14 of 2024 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram is confirmed.

28.11.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



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- To
1. The Sessions Judge,
Special Court for Exclusive Trial
of Cases registered under SC/ST (POA) Act,
Villupuram.
 2. The Superintendent of Police,
Villupuram District – 605 602.
 3. The Deputy Superintendent of Police,
Gingee DSP Office Building,
Gingee Taluk,
Villupuram District – 604 202.
 4. The Inspector of Police,
Anandapuram Police Station,
Villupuram District.
 5. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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