



Crl.O.P.(MD)No.1836 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1836 of 2025

and

Crl.M.P.(MD)No.1279 of 2025

Gunasekaran

... Petitioner

Vs.

1.The State of Tamil Nadu rep by
Office of the Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Orathanadu Taluk, Thanjavur District.

3.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the first respondent to transfer the investigation of the aforesaid case in First Information Report No. 122/2024 on the file of the third respondent to the file of the second respondent any other competent officer.

For Petitioners	: Mr.C.M.Arumugam
For R1	: Mr.E.Antony Sahya Prabahar
	Additional Public Prosecutor



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ORDER

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The petitioner as a complainant has lodged a complaint to the respondent police and a case in Crime No.122 of 2024 for the offence under Section 420, 506(2) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities Act), 1989 has been registered.

2.The gist of the complaint is that on 23.04.2024 at about 05.45 p.m., the petitioner had gone to the respondent police and lodged a complaint against one Neelakandan. The said Neelakandan belongs to a caste Hindu community and he is also a political person. He collected a sum of Rs.10 lakhs from the petitioner for getting a job and thereafter, he failed to return the said amount and to get a job for the son of the petitioner and absconded. Since there is election and on knowing the fact that the said Nallakannu would be available in his house, the petitioner was keeping vigil and entered the house of Neelakandan and questioned him. At that time, the petitioner was abused by using his caste name and threatened by Neelakandan. Thereafter, the petitioner lodged FIR.



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3.The said Neelakandan has filed a petition in Crl.O.P.(MD)No. 6647 of 2024 to consider his bail application on the same day. This Court dismissed the petition finding that the nature of offence and the allegations against the said Nallakandan are serious in nature. Thereafter, the petitioner filed a petition seeking transfer of investigation in Crl.O.P.(MD)No.9908 of 2024 and this Court by an order dated 05.07.2024 directed the fourth respondent therein to investigate the case in Crime No.122 of 2024 and file the final report.

4.Now the contention of the petitioner is that the petitioner came to know at later point of time that on 26.04.2024 an alteration report has been filed deleting the provisions of SC/ST Act. The petitioner was not given any notice in this regard. Further, within two days of registration of FIR, such alteration report has been made without proper reasons. This report has reached the Court only on 23.09.2024 with a delay of 5 months. In view of the above, now the petitioner seeks to transfer the investigation.

5.The learned Additional Public Prosecutor appearing for the respondent police submits that after registration of the case under SC/ST



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Act, the case was assigned to Mr.Shahnaz, Assistant Superintendent of Police, Orathanadu. Thereafter, he conducted investigation and on finding that no offence is made out under SC/ST Act, had filed the alteration report. Further, the petitioner had recently sent a representation on 19.10.2024 seeking inclusion of SC/ST Act in his case. He further submits that if the petitioner appears before the respondent police along with supporting documents and witnesses to prove the fact that there has been abuse by using the caste name of the petitioner, the representation of the petitioner will be considered for inclusion of the provisions of SC/ST Act.

6.In view of the above, the petitioner is directed to appear before Mr.I.Shahnaz, Assistant Superintendent of Police, Orathanadu Taluk, Thanjavur District with supporting materials. Thereafter, the Assistant Superintendent of Police shall consider the petitioner's contentions and if it is found that there are materials, appropriate action shall be taken to include the provisions under SC/ST Act in the case in Crime No.122 of 2024. If there are no materials, the present Investigating Officer shall carry out the investigation and complete the same and file the final report within a period of three months from the date of receipt of a copy of this



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order.

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7.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No

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Index : Yes / No

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To

1.The Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Orathanadu Taluk, Thanjavur District.

3.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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